

भारत का राजपत्र **The Gazette of India**

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सं० 20] नई दिल्ली, शनिवार, मई 17, 1969/वैशाख 27, 1891
 No. 20] NEW DELHI, SATURDAY, MAY 17, 1969/VAISAKHA 27, 1891

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर)
 केन्द्रीय प्राधिकरणों द्वारा जारी किये गये विधिक आदेश और अधिसूचनाएं

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

ELECTION COMMISSION OF INDIA

New Delhi, the 3rd May 1969

S.O. 1812.—In pursuance of clause (b) of sub-section (2) of section 116C of the Representation of the People Act, 1951, the Election Commission hereby publishes the judgment delivered on the 8th April, 1969, by the Supreme Court of India on an appeal from the judgment dated the 14th June, 1968, of the Judicial Commissioner, Tripura in Election Petition No. 1 of 1967.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. 1702 OF 1968

J. K. Choudhury—Appellant.

Versus

Birendra Chendra Dutta—Respondent.

JUDGMENT

HEGDE J—This appeal under s. 116A of the Representation of the People Act, 1951 (in brief "the Act") is directed against the decision of the Judicial Commissioner, Tripura in election petition No. 1 of 1967 setting aside the election of the appellant for the reasons mentioned in his judgment.

(1869)

In the last general election the appellant and the respondent were the contestants for the Lok Sabha seat from Tripura West Parliamentary constituency. The appellant was the Congress nominee and the respondent was the nominee of the Left Communist which party was a constituent of an United Front. The polling took place on February 18, 1967 and the votes were counted on February 21 and 22, 1967. The appellant secured 1,25,865 votes and the respondent 92,143 votes. The appellant was duly declared elected.

The election petition challenging the appellant's election was presented by the respondent on April, 4, 1967. Therein the election of the appellant was assailed on various grounds. The appellant was accused of having been guilty of corrupt practices such as bribing the electors, exercising undue influence over the electors, securing the withdrawal of a candidate by unlawful means, obtaining or procuring the assistance of Government servants for the furtherance of the prospects of his election, appealing to vote for him and refrain from voting to the respondent on the ground of community, promoting or attempting to promote feelings of enmity or hatred between Bengalis and tribals and publishing false statements of fact as regards the personal character or conduct of the respondent. It was further alleged that the result of the election was materially affected as the supplementary voters' list consisting of over 30,000 voters was not supplied to him at all. In the election petition as originally filed relevant particulars in respect of most of the grounds urged were not given. It was a bald petition. On September 15, 1967, the appellant filed an application calling upon the respondent to supply him particulars in respect of the corrupt practices alleged against him. In particular he called for particulars as to the names of the persons alleged to have committed corrupt practices on his behalf, the dates and places of commission of corrupt practices, the manner in which such corrupt practices had been committed, the names of the Government servants whose assistance had been obtained or procured by him and the time, place and the mode in which assistance was given by each one of those officers. In reply thereto the respondent asserted that he had given all the particulars necessary under law and that is not willing to give any more particulars. His counsel informed the court that no more particulars will be supplied and his client was prepared to take the risk if the petition was defective. Thereafter on November 2, 1967 the appellant applied to the court to strike off the grounds taken in paragraphs 5 to 10 of the election petition as no particulars in respect of those grounds had been made available. While opposing this application the respondent took the very stand that he had taken earlier. He took up the position that all necessary particulars had been given and there is no need to give any more particulars. The learned judge as per his order of November 6, 1967 directed as follows:

"The respondent is directed to furnish the particulars in election petition by way of amendment of the paragraphs 7 and 8 or by filing separate verified schedule and affidavit. If he does not comply with this order in full or in part evidence regarding corrupt practices will be recorded only about those whose particulars are mentioned as required by this order and others will be deemed to have been struck off."

Thereafter the respondent filed an amended election petition on November 13, 1967 wherein he gave a large number of particulars. It was contended on behalf of the appellant that the particulars supplied are either vague or insufficient. But for the reasons to be presently stated we have not thought it necessary to examine that contention.

Though various grounds were urged in support of the election petition most of them were rejected by the trial court and those grounds were not reargued before us. Hence it is not necessary to go into them. The election of the appellant was set aside by the learned trial judge on six different grounds. Those are:

- (1) He procured the services of Shri S. R. Chakraborty the then S.D.M. Sadar for the furtherance of the prospects of his election.
- (2) There was discrimination in the matter of supply of the supplementary voters' list.
- (3) The result of the election was materially affected because of the terror tactics indulged in by the workers of the appellant.
- (4) Votes were canvassed by the appellant by appealing to the communal feelings of the electors.
- (5) The appellant was guilty of promoting feelings of enmity and hatred between different classes of citizens of Tripura, and

(6) He was guilty of publishing false statements of fact relating to the personal character or conduct of the respondent.

We shall now proceed to examine whether the conclusions reached by the learned trial judge are sustainable either in law or on the basis of the evidence on record.

Coming to the allegation that the respondent was guilty of procuring or obtaining the assistance of Mr. S. R. Chakraborty in the furtherance of his election it is necessary to mention the fact that in the election petition as originally filed there was no allegation that Mr. Chakraborty canvassed in support of the Congress candidates though the petition did contain an allegation that 'the respondent also obtained and/or procured and/or abetted and/or attempted to obtain or procure the assistance of the Government officers for the furtherance of the prospects of his election such as Sri A. K. Sen, the principal Engineering Officer of the Government of Tripura the Executive Engineer, Block Development Officers, the Sub-Divisional Officers and Circle Officers who were engaged to work day and night for the Congress.'

It may be noted that Mr. Chakraborty was only one of the several sub-divisional officers in Tripura. It is important to note that while name of one Mr. A. K. Sen was specifically mentioned as having canvassed on behalf of the Congress candidates no specific reference was made to Mr. Chakraborty. It is not the case of the respondent that he came to know about the corrupt practice committed by Mr. Chakraborty after he filed the election petition. In fact we get from the evidence of P.W. 11 Dakshina Ranjan Chakraborty, a staunch supporter of the respondent and one of the witnesses examined in support of the aforementioned ground that even before the election petition was filed he had mentioned to the respondent about the canvassing by Mr. Chakraborty. If that was the true position, it is surprising that the respondent did not choose to specifically mention in his petition about the activities of Mr. Chakraborty. As seen earlier the respondent was extremely reluctant to give particulars though he was repeatedly pressed to give the same. He came out with some particulars several months after he filed the election petition and that too when the court ordered that the grounds which are not supported by particulars will be struck out. Under these circumstances, there is force in the contention of Mr. A. K. Sen learned counsel for the appellant that the belated allegation about Mr. Chakraborty is an after thought.

The trial Court accepted the allegations relating to Mr. Chakraborty on the basis of the evidence of P.W. 9 Nripendra Chakraborty, P.W. 11 Dakshina Ranjan Chakraborty and P.W. 27 Radharanan Debnath. P.W. 9 himself was a candidate for one of the assembly constituency on behalf of U.F. P.W. 11 as mentioned earlier was a staunch supporter of the respondent. P.W. 27 was the election agent of P.W. 9. Therefore quite clearly all these are interested witnesses. So far as P.W. 9 is concerned, he does not claim to have been personally aware of the part taken by Mr. Chakraborty. His evidence is entirely hearsay. He spoke to what was told to him by others. He did not remember as to who had given him the information in question. The persons said to have given him the information have not been examined. Therefore his evidence relating to the part played by Mr. Chakraborty must be excluded from consideration as being inadmissible. Similarly the newspaper publication Exh. A-9 on which the trial court relied has to be ruled inadmissible as the correspondent who supplied the information had not been examined. On this aspect of the case the trial court was wrong in taking into consideration the hearsay evidence given by P.W. 9 and that afforded by Ex. A. 9.

Now coming to P.W. 11, he was one of those who actively worked for the U.F. candidates. He admitted that he tried his utmost for the success of the U.F. candidates. He was frank enough to admit that he wanted that the respondent should succeed. According to him Mr. Chakraborty canvassed for the Congress candidate in the house of one Dharendra Ch. Debnath who according to the witness, was a supporter of the U.F. though in the election petition that gentleman was put forward as a supporter of the Congress. The evidence given by P.W. 11 is wholly unreliable.

As regards P.W. 27 apart from the fact he was an interested witness, as mentioned earlier, his evidence on the face of it is unacceptable. He speaks to the meeting arranged by Mr. Chakraborty in the house of one Manmohan Deb Nath. P.W. 27's residence is about 16 miles from the house of the said Manmohan Deb Nath yet according to him by coincidence he happened to be

near about the house of Manmohan Debnath when Chakraborty held that meeting. This is not all. According to the witness he followed Chakraborty wherever he went, a version unworthy of credence. It is surprising that the evidence of such witnesses should have commended itself to the learned trial judge. If the allegation against Mr. Chakraborty a responsible officer is true, he is guilty of a serious offence. Before holding him guilty of that offence, the trial court should have examined the evidence with great deal of care. Apart from the fact that, setting aside the verdict of the voters is a very serious matter. Neither the respondent nor the appellant examined Mr. Chakraborty. The trial court was wrong in opining that it was the duty of the appellant to examine him. A corrupt practice under the Act is somewhat akin to a criminal offence. Hence the burden of proving the same to the satisfaction of the court is on the election petitioner. This position in law is well settled by the decisions of this Court. Hence the trial court was wrong in drawing an adverse inference against the appellant for the non-examination of Mr. Chakraborty. If in the interest of justice the court thought that his examination was necessary it should have called him as a court witness.

One of the most important circumstances overlooked by the Court is that before holding the appellant guilty of the charge in question it was necessary for the respondent to prove that the appellant had obtained or procured the services of Mr. Chakraborty in furtherance of his election. No witness examined on behalf of the respondent has spoken to the fact that Mr. Chakraborty canvassed on behalf of the Congress either at the instance of the appellant or with his consent. Want of proof on this aspect of the case is fatal to the respondent's case, see *Sri Babu Ram (1) v. Srimati Prasanni and ors.*

For the reasons mentioned above we are unable to agree with the trial court that there is reliable evidence in this case to hold the appellant guilty of a corrupt practice coming under sub-s. (7) of s. 123 of the Act.

The trial court has come to the conclusion that the election of the appellant is vitiated because of the contravention of Article 14 of the Constitution. The contravention of Article 14 of the Constitution, even if true is, not an electoral offence. Nor does it afford a ground for setting aside an election. That apart there appears to be no substance in the contention that the Government made any discrimination between the Congress and the U.F. in the matter of supplying the supplementary voters' list. All that is alleged in the election petition is that the supplementary voters' list "were not sent to United Front candidates but they were sent to Presiding Officers direct only when polling had started as in Sadar II Assembly Constituency..." The evidence relating to this allegation is quite conflicting. The appellant examined as P.W. 26 deposed that while the supplementary voters' list had not been supplied to the U.F. Candidates, they must have been supplied to the Congress candidates as the Congress volunteers were distributing slips to the voters in the supplementary list. To the same effect is the evidence of P.W. 6 Saroj Chandra the candidate put up on behalf of U.F. for Agarwala Assembly constituency. The evidence of these witnesses does not support the averment in the election petition. Further the evidence of these witnesses is completely belied by the testimony of P.W. 1, the election agent of the respondent. He deposed as follows:

"The lists of supplementary voters were received by our party about 2/3 days prior to the election. I tried to inspect the electoral rolls earlier. I got draft electoral rolls those were finally published were available in the Government offices and also in the Tehsil offices. They were also available for purchase. Our party got electoral rolls free of cost from the Government."

Admittedly the supplementary lists were printed on February, 13, 1967. The evidence of D.W. 5 Narendra Chandra Paul, head clerk in the office of the Chief Electoral Officer taken along with Exh. K-9 (a) shows that the printed copies of the supplementary voters' lists were distributed to all the recognised parties on February 15, 1967. If the U.F. candidates were inconvenienced by the non-supply of the printed copies, it is clear that the candidates of other parties were also equally inconvenienced. But the story that they were put to any inconvenience is falsified by the testimony of P.W. 1. As seen earlier his evidence discloses that he obtained the copies of the draft electoral rolls which were finally published and which were available for sale in Government offices and Tehsil office. Ignoring the plea taken in the election petition and completely overlooking the testimony of P.W. 1, the trial court has come to the conclusion that while the printed supplementary lists were made available to the Congress party earlier,

they were made available to the U.F. only three days before the election and consequently the U.F. candidates were greatly inconvenienced. In fairness to the learned counsel for the respondent, we must say that she did not support the conclusion of the trial court on this point. It is wholly unsupportable conclusion.

We may now take up the charge under s. 123(2). This charge rests on the allegation that during the election at some places the U.F. workers had been assaulted by the Congress workers. The learned trial judge opined that five such instances have been proved. The learned counsel for the respondent relied on only two instances. We shall assume that these instances of assault by Congress workers on U.F. workers are true. But our attention has not been invited to any evidence on record to show that the assaults in question were either engineered by the appellant or were made with his consent. During election times when emotions are roused and party feelings worked up, it is not uncommon to have such incidents here and there but that does not amount to an undue influence under s. 123(2) of the Act. The learned trial judge observed that though these instances were reported in the newspapers supporting the U.F. candidates, the appellant did not denounce them and therefore he must be held to have approved those instances. All that is necessary to say is that this is a strange reasoning.

Now we shall take up together the charges under s. 123(3), 123(3A) and 123(4). The trial court accepted these charges on the basis of Exh. A 2289, a pamphlet issued on behalf of the Congress and Exh. A 2292, a newspaper report of the speech delivered by the appellant on February 11, 1967. The appellant admitted in his evidence that the report in question is a correct summary of the speech delivered by him at Kakraban on February 11, 1967. The news item in question reads as follows:—

“Agartala, the 11th February: Staff Reporter:

Principal Shri Jogendra Kumar Choudhury, Congress candidate for the General Parliamentary Seat, in connection with his lecture delivered yesterday in a large public meeting held at Kakraban under Udaipur, sub-division, said that the Communist Party of Tripura beckons dense evil days in the life of Tripura people. As an outcome of their resolution to bifurcate Tripura in the name of development of the tribal, at least more than five lakhs of up-rooted refugees would again be turned into refugees. This situation in the critical life of the Bengalees is undesirable.

Shri Choudhury added that the Communist Party has become cornered to-day. So they are trying to take shelter in a narrower Tripura rather than the wider Tripura. They have taken the recourse of communalism to infuse new life to the decaying party. On the other hand, the basic principle of the National Congress is the formation of non-communal state. He appealed to the people to make the National Congress victorious by casting their votes in its favour in the ensuing election in the interest of upkeeping the integrity and communal harmony of Tripura.”

We see nothing objectionable in that speech. The same cannot be considered as an appeal to vote or refrain from voting on the ground of religion, race, caste or community nor it can be held to amount to promotion of or attempt to promote feelings of enmity or hatred between different classes of citizens of India on grounds of religion, race, caste, community or language. Therein the appellant opposed the proposal mooted by the communist M.L.As of the Tripura as to the inclusion of certain areas in Tripura in the fifth Schedule of the Constitution and stated that the proposal if carried into effect would create a critical situation for the Bengalees.

This leaves us to the pamphlet Exh. A. 2289. It is entitled “Will Communists (Left) following China and headed by Sri Biren Datta (Respondent), Sri Dasarath Deb Varma and Sri Nripen Chakraborty please answer”. It is a lengthy pamphlet. Most of the statement mentioned therein are admittedly unobjectionable. The pamphlet is highly critical of the policies and activities of left communists particularly as regards their attitude towards China and Pakistan. The portions of the pamphlet which are held to be objectionable by the trial court are found in paragraphs 7 and 11. In paragraph 7 of the pamphlet reads thus.

“Sri Dasarath Deb Varma, Sri Biren Datta, in Parliament, and others in Tripura Legislative Assembly submitted proposals that out of the

area of 4113 sq. miles of Tripura, 1910 sq. miles i.e., Khowai, Kamalpur Kailasher, Amarpu, and Sabroom should be declared as "Tribal Areas" according to the Fifth Schedule of the Indian Constitution. (Vide Nripen Babu's Article printed in newspaper, and the Proceedings of the Tripura Legislative Assembly). This will mean that all those Bangalee refugees, who have been rehabilitated in those places will have to leave those places and come away; because in "Tribal Areas" none except Tribals may hold rights over land.

This will have three results:—

- (a) To create conflict between Bengalees and Tribals who will remain in the other parts (4116—1910=2206 sq. miles of Tripura) e.g., Sadar Sub-Division. But now we are living here as neighbours to each other.
- (b) If out those 1910 sq. miles more than three lakhs of refugees come evicted for a second time then in the remaining 2206 sq. miles (of which 680 sq. miles are reserved for forest) the 12 lakhs of Bengalees out of the population of 15 lakhs shall have not even standing room housing being out of the question. Yet there is no other place to go to—for Tripura has Pakistan on three sides and the rebel Mizos on the East. Then will begin a confusion (anarchy) within this 2206 sq. miles of Tripura taking advantage of which Pakistan will swallow Tripura. Even if she does not, this will be graveyard of Bengalees—particularly of the refugees.
- (c) Dhanmanagar Sub-Division will be detached from the Western region of Tripura. For Dasarath Babu it may be possible to become a lord of the Tribal Areas and join with the proposed Hill State Federation or the Mizos.

But being themselves Bengalis, why have Nripen Babu and Biren Babu been enthused with the proposal for the ruination of the Bengalis. Is it inevitable that Tripura should be divided into three parts?

Paragraph 11 reads:

"Do they know who captured in the open places or lifted them from their homes, and then got them murdered?"

1. Debendra Acharja—(Purba Naogaon)
2. Akhil Deb Varma—(Bisalgarh)
3. Govind Ghosh—(Bisalgarh)
4. Ananta Acharya—(Takarajala)
5. Durga Goala—(Cha-Sramik Union)
6. Mangal Goala—(Do-Mantala)
7. Banbehari Bhattacharjee—(Katlamara)
8. Kiran Bhattacharjee—(Mohanpur)
9. Jagbandhu Debnath—(Mohanpur)
10. Bodhraj Deb Varma—(Tamaguri)
11. Kusum Deb Varma—(Tamaguri)
12. Khagendra Deb Varma—(Charilam)
13. Jogendra Deb Varma—(Takarajala)
14. Radha Mohan Deb Varma—(Takarajala)
15. Bhuban Deb Varma—(Ghilatali)
16. Rabi Deb Varma—(Ghilatali)
17. Sitanarayan Rupini (son of Chandra Sadhu) hundreds of others."

It was firstly said that the facts stated in these paragraphs are false to the knowledge of the appellant and that they relate to the personal character and conduct of the respondent. What is meant by personal character and conduct mentioned in s. 123(4) has been explained by this Court, see *Gangi Reddy v. Anjaneya Reddy* and Civil Appeal No. 1778 of 1967 (*Gurufi Shrihari Baliram Jivatode v. Vithalrao and ors.*), decided on November 19 1968. In order that a

statement may be considered as one relating to personal character or conduct of a candidate, it must relate to his mental or moral nature and not about his political opinion or activities. It was urged on behalf of the respondent that the statement that the respondent propagated the partition of Tripura is not correct; he merely wanted some areas of Tripura to be included in Schedule V of the Constitution. Assuming that that is so, the statement in question cannot be held to be a statement relating to the personal character and conduct of the respondent.

So far as the insinuation in paragraph 11 is concerned even the petitioner considered it as an allegation against the Communist party. That is clear from the averments in the election petition. We shall assume that those insinuations are wholly unwarranted. But yet allegations against a political party, however unfounded they may be, cannot come within the scope of s 123(4) merely because of the fact that the respondent was a member of the Communist party. It cannot be said that he was accused of having committed the murder of anyone. In this view of the matter it is not necessary for us to consider whether the pamphlet in question was published or distributed with the consent of the appellant or his election agent.

It was nextly urged that the portions of the pamphlet quoted above had the effect of inducing the Bengalee voters to vote against the respondent and therefore it amounted to a corrupt practice under s. 123 (3). We see no substance in this contention. The appeal made therein cannot be considered as an appeal to vote or refrain from voting on the ground of the candidate's religion, race, caste or community. It may be noted that both the appellant and the respondent were Bengalees and to add to that both were refugees from East Pakistan. To say that the activities of a candidate run counter to the interest of his community is not the same thing as appealing to vote or refrain from voting on the ground of religion, race, caste or community.

It was lastly urged that the aforementioned statements tended to promote feelings of enmity between Bengalees and Tribals. Here again we see no substance. That pamphlet raises a political debate as to advisability of including any portion of Tripura in the Vth Schedule of the Constitution. It may be that if those areas are included in that Schedule the Tribals would benefit and the Bengalees would suffer but an appeal of that character cannot be considered as promoting or an attempt to promote feelings of enmity or hatred between different classes of citizens of India. If it is otherwise most proposals for reforms will have to be ruled out during election times as they are bound to serve the interest of one section of the community more than others may they may even adversely affect some sections of the community. Every demand for land reforms is bound to be an appeal to benefit the tenants at the cost of the landlords. From that one cannot urge that a demand for land reforms promotes feelings of enmity or hatred between landlords and tenants and therefore such a demand violates s 123(3A), as observed by this Court in *Kuldar Singh v. Mukhtiar Singh*:

"The corrupt practice as prescribed by s. 123(3) undoubtedly constitutes a very healthy and salutary provision which is intended to serve the cause of secular democracy in this country. In order that the democratic process should thrive and succeed, it is of utmost importance that our elections to Parliament and the different legislative bodies must be free from the unhealthy influence of appeals to religion, race, caste, community or language. If these considerations are allowed any sway in election campaigns, they would vitiate the secular atmosphere of democratic life, and so, s 123(3) wisely provides a check on this undesirable development by providing that an appeal to any of these factors made in furtherance of the candidature of any candidate as therein prescribed would constitute a corrupt practice and would render the election of the said candidate void."

But at p 795 of the report this Court observed:

"That takes us to the question of construing the impugned poster. The principles which have to be applied in construing such a document are well settled. The document must be read as a whole and its purport and effect determined in a fair, objective and reasonable manner. In reading such documents it would be unrealistic to ignore the fact that when election meetings are held and appeals are made

by candidates of opposing political parties, the atmosphere is usually surcharged with partisan feelings and emotions and the use of hyperboles or exaggerated language, or the adoption of metaphors, and the extravagance of expression in attacking one another, are all a part of the game and so, when the question about the effect of speeches delivered or pamphlets distributed at election meetings is argued in the cold atmosphere of a judicial chamber, some allowance must be made and the impugned speeches or pamphlets must be construed in that light. In doing so, however, it would be unreasonable to ignore the question as to what the effect of the said speech or pamphlet would be on the mind of the ordinary voter who attends such meetings and reads the pamphlets or hears the speeches. It is in the light of these well-established principles that we must now turn to the impugned pamphlet."

We are constrained to say that the election petition from out of which this appeal has arisen has been founded on flimsy grounds.

For the reasons mentioned above this appeal succeeds and the judgement of the trial court is set aside and the election petition dismissed with costs both in this court as well as in the trial court.

(Sd.) S. M. SIKRI, J.

(Sd.) R. S. BACHAWAT, J.

(Sd.) K. S. HEGDE, J.

Dated, New Delhi, the 8th April, 1969.

[No. 82/TP/1/67.]

By Order,
A. N. SEN, Secy.

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 1st May 1969

S.O. 1813.—In pursuance of clause (a) of section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948, the Central Government hereby authorises Shri S. R. Sharma, Assistant in the High Commission of India, Blantyre to perform the duties of a Consular Agent, with effect from 2nd May, 1969, until further orders

[No. F. T4330/1/68.]

P. C. BHATTACHARJEE, Under Secy.

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND COOPERATION

(Department of Agriculture)

New Delhi, the 29th April 1969

S.O. 1814.—In exercise of the powers conferred by section 6 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), the Central Government hereby declares that the provisions of the said Act shall apply to the following article, namely:—

1. Saffron.

[No. F. 13-6/69-L.A.]

V. S. SINHA, Under Secy.

खाद्य, कृषि, सामुदायिक विकास तथा सहकारिता मंत्रालय

(शुद्धि विभाग)

नई दिल्ली, 29 अप्रैल 1969

एस० नो० 1815.—कृषि उत्पाद (श्रेणीकरण और वित्तन) अधिनियम, 1937 (1937 के 1) के खण्ड 6 द्वारा प्रदत्त शक्तियों का उपयोग करते हुए कन्द्रीय सरकार ए० द्वारा घोषणा करती है कि उपरोक्त अधिनियम का व्यवस्था निम्नलिखित वस्तुओं पर लागू होगी ।

1. कसरं

[संख्या 13/69-एल० पु०]

वि० श० सिन्हा, अवर सचिव ।

गृह मंत्रालय

नर्थ दिल्ली 23 अप्रैल, 1969

इस. ओ. 1816.—राष्ट्रपति पंजाब पुनर्गठन अधिनियम, 1966 (1966 का 31) की धारा 29 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एनद्द्वारा निम्नलिखित आदेश करते हैं, अर्थात्—

1. (1) यह आदेश पंजाब और हरियाणा के उच्च न्यायालय के न्यायाधीश (संवलमों और मत्तो का आवंटन) आदेश, 1969 कहा जा सकेगा।

(2) यह नवम्बर, 1966 के प्रथम दिन को प्रवृत्त हुआ समझा जाएगा।

2. पञ्चाय और हरियाणा के उच्च न्यायालय के न्यायाधीशों के सबलों और सत्रों की जाबत किसी वर्ष या उनके किसी भाग में उलट जाती है, य, पञ्चाय और हरियाणा के उच्च न्यायालय में से हर एक के पञ्चाय और हरियाणा के उच्च न्यायालय में उस वर्ष या उनके भाग में नस्थित न्यायियों की संख्या के 1/3 भाग में उच्च न्यायों या उच्च के न्यायाधीशों किया गया है।

[सं० ४/१०/६६-२ वि०-१/३]

(के० तारागाराजन, उप सचिव ।

नई दिल्ली, ८ मई १९६९

सामान्य सार्वजनिक नियम 1817.—संविधान के अनुच्छेद 309 के परामर्श द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राष्ट्रपति एतद्वारा गृह मंत्रालय में अनुसंधान अधिकारी के पद पर भर्ती की पद्धति का विनियमित करने के लिए निम्नलिखित नियम बनाते हैं :—

1. संक्षिप्त ज्ञान तथा प्रारम्भ :

(1) ये नियम ग्रन्थमंथान अधिकारी (प्रशिक्षण प्रभाग, गृह मंत्रालय) भर्ती नाम, 1969 कहे जा सकेंगे।

(2) ये नियम सरकारी राजपत्र में प्रकाशित होने के दिनांक से प्रभावी रहेंगे।

2. पद की संख्या, वर्गीकरण तथा वेतन मान :

पद की संख्या, इसका वर्गीकरण तथा सम्बन्धित वेतन मान वे होंगे जो इन नियमों के साथ सम्बद्ध अनुसूची के 2 से 4 तक के कालमों में निर्दिष्ट है।

3. भर्ती की पद्धति, आयु संसा तथा अग्र्य योग्यताएं

उक्त पदों में सम्बन्धित भर्ती की पद्धति, आयु सीमा, योग्यताएं तथा उससे सम्बन्धित अग्र्य मामलों वे होंगे जो इन नियमों के साथ सम्बद्ध अनुसूची के 5 से 13 तक कालमों में निर्दिष्ट हैं।

4. अयोग्यताएं :

(क) जिस पुरुष उम्मीदवार की एक से अधिक जीवित पत्नी हों या जो एक जीवित पत्नी के होते हुए किसी ऐसी स्थिति में विवाह करता है जिसमें ऐसा विवाह ऐसी पत्नी के जीवन काल में होने के कारण शून्य (वायड) हो, वह पुरुष उक्त पद पर नियुक्ति के लिये पात्र नहीं होगा।

(ख) जिस महिला उम्मीदवार का विवाह इस कारण शून्य (वायड) हो कि उक्त विवाह के समय उसके पति की एक जीवित पत्नी पहले से है या जिसने ऐसे व्यक्ति से विवाह किया हो जिसकी उक्त विवाह के समय एक जीवित पत्नी हो, वह उक्त पद पर नियुक्ति के लिए पात्र नहीं होगी।

परन्तु यदि केन्द्रीय सरकार संतुष्ट हो कि ऐसा करने के विशेष कारण हैं, तो किसी उम्मीदवार को इस नियम से छूट दे सकती है।

5. छूट देने का अधिकार :

जहां केन्द्रीय सरकार का यह मत हो कि छूट देना आवश्यक या उचित है, तो यह लिखित कारणों के आधार पर तथा सच लोक सेवा आयोग के परामर्श से आदेश द्वारा व्यक्तियों पर (पदों की) किसी श्रेणी या वर्ग के सम्बन्ध में इन नियमों के उपबन्धों में से किसी में छूट दे सकती है।

अनुलग्नक-1 अनुसूची

गृह मंत्रालय के प्रशिक्षण प्रभाग में अनुसन्धान अधिकारी के पदों के लिए भर्ती के नियम

1. पद का नाम	अनुसन्धान अधिकारी
2. पदों की संख्या	2
3. वर्गीकरण	सामान्य केन्द्रीय सेवा, श्रेणी-2 (राजपत्रित)— अनुसचिवीय।
4. वेतनमान	400-25-500-30-590-दक्षतारोध 30- 800-दक्षतारोध-30-830-35-900 रुपये।
5. चयनपद है अथवा अचयन पद है	लागू नहीं होता।
6. सीधी भर्ती के लिए आयु-सीमा	35 वर्ष (सरकारी कर्मचारियों के लिए छूट के योग्य)।
7. सीधी भर्ती के लिए शैक्षिक तथा अन्य निर्धारित योग्यताएं	अनिवार्य : किसी मान्यता प्राप्त विश्वविद्यालय से प्राप्त बी० ए० की उपाधि जिसमें मैथिमेटिक्स, अर्थशास्त्र अथवा सांख्यिकी प्रधान विषय रहे हों अथवा लोक प्रशासन अथवा वाणिज्य प्रबन्ध में स्नातकोत्तर उपाधि-पत्र प्राप्त हो।

वांछनीय :

- (1) प्रशिक्षण सामग्री का अनुकूलन, प्रशिक्षण कौशल तथा निपुणता के विषय में आंकड़ों का संग्रहण सहित विशिष्ट प्रशिक्षण समस्याओं के अन्वेषण कार्य का अनुभव ।
- (2) अनुसन्धान प्रकाशन ।
- (3) जन प्रशासन अथवा वाणिज्य व्यवस्था में अनुसन्धान की उपाधि ।
- (4) प्रशिक्षण कार्यक्रमों के मूल्यांकन का अनुभव तथा आरंभिक परियोजनाओं सहित नवीन प्रशिक्षण आरम्भ करने की योग्यता, नवीन पाठ्यक्रम आयोजित करना, विभिन्न कार्यक्रमों के लिए उपयुक्त पाठ्यक्रम की युक्तियाँ निकालना तथा प्रशिक्षकों के प्रशिक्षण तथा अन्य समान कार्यों की सहायता के लिए कार्यक्रमों का समन्वयन करना ।

8. क्या सीधे भर्ती किए जाने वाले व्यक्तियों के लिए निर्धारित आयु तथा शैक्षिक योग्यताएं पदोन्नत व्यक्तियों के सम्बन्ध में भी लागू होंगी ।

लागू नहीं होता ।

9. परीक्षा की अवधि यदि कोई है ।

नई भर्ती के सम्बन्ध में 2 वर्ष परीक्षा काल । अन्य मामलों में लागू नहीं होती ।

10. भर्ती की पद्धति, सीधी भर्ती से अथवा पदोन्नति, स्थानान्तरण से तथा विभिन्न पद्धतियों द्वारा भरी जाने वाली रिक्तियों का प्रतिशत ।

स्थानान्तरण अथवा प्रतिनियुक्ति के द्वारा तथा इसके अभाव में सीधी भर्ती के द्वारा ।

11. पदोन्नति/प्रतिनियुक्ति स्थानान्तरण से भर्ती किए जाने की हालत में वे ग्रेड जिससे पदोन्नति/प्रतिनियुक्ति, स्थानान्तरण किए जाने हैं ।

केन्द्रीय सरकार अथवा राज्य सरकार के अन्तर्गत सदृश पदाधिकारियों की प्रतिनियुक्ति अथवा स्थानान्तरण/साधारणतः प्रतिनियुक्ति की अवधि 3 वर्ष तथा विशिष्ट परिस्थितियों में वृद्धि किए जाने की संभवता ।

12. यदि विभागीय पदोन्नति समिति विद्यमान है तो इसका गठन क्या है ।

लागू नहीं होता ।

13. वे परिस्थितियाँ जिनमें भर्ती करने में संघ लोक सेवा आयोग से परामर्श करना पड़े ।

नियमों के अन्तर्गत यथा अपेक्षित ।

[सं० 24/48/68-प्रशासन-1(क)]

एस० नटराजन, अवसर सचिव ।

MINISTRY OF HOME AFFAIRS*New Delhi, the 8th May 1969*

S.O. 1818.—In pursuance of clause (1) of article 239 of the Constitution, the President hereby directs that the Chief Commissioner of the Union territory of Andaman and Nicobar Islands shall, subject to the control of the President and until further orders, also exercise the powers and discharge the functions of the State Government under the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955 (45 of 1955), within that Union territory.

[No. F. 2/1/69-UTL.]

P. N. KAUL, Dy. Secy.

नई दिल्ली, 8 मई 1969

क्र० अ० 1819.—संविधान के अनुच्छेद 239 के खण्ड (1) के अनुसरण में राष्ट्रपति एतद् द्वारा निदेश देते हैं कि अंडमान और निकोबार द्वीप संघ राज्यक्षेत्र के मुख्य आयुक्त उनके नियंत्रण के अधीन रहते हुए और जब तक आगे आदेश न दिए जाएं, श्रमजीवी पत्रकार (सेवा की शर्तें) और प्रकीर्ण उपबन्ध अधिनियम, 1955 (1955 का 45) के अधीन राज्य सरकार की शक्तियों का प्रयोग और कृत्यों का निर्वहण उस संघ राज्यक्षेत्र के भीतर करेंगे।

[सं. एक० 2/1/69-यू० दी० एल०]

पी० एन० कौल, उपसचिव।

CORRIGENDA*New Delhi, the 1st May 1969*

S.O. 1820.—In the Order of the Government of India in the Ministry of Home Affairs S.O. 1303 (F. No. 17/27/67-SR), dated the 28th March, 1969, published at pages 408 to 410 of the Gazette of India Extraordinary, Part II, Section 3, Sub-section (ii), dated the 31st March, 1969,—

1. at page 406, in second line from bottom, for "1956" read "1966";
2. at page 408—
 - (i) in line 13 for "(See paragraph 9)" read "(See paragraph 4)";
 - (ii) in line 17, for "Typewriting" read "Typewriter";
3. at page 409, in line 2, for "(See paragraph 4)" read "(See paragraph 9)".

[No. F. 17/27/67-SR.]

K. R. PRABHU, Jt. Secy.

MINISTRY OF FINANCE**(Department of Economic Affairs)***New Delhi, the 25th April 1969*

S.O. 1821.—In exercise of the powers conferred by section 53 read with section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-section (1) of section 11 of the said Act, shall not apply to the Nalbari Central Co-operative Banking Union Ltd., P.O. Nalbari, District Kamrup for a period of one year with effect from 1st March 1969.

[No. F. 18/4/69-SB.]

New Delhi, the 3rd May 1969

S.O. 1822.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 9 of the said Act shall not apply to the Catholic Syrian Bank Ltd., Trichur, in respect of the immovable property measuring 2.59 acres held by it at Palakuzha village, Muvattupuzha Taluk, Ernakulam District, Kerala State, till the 5th April, 1970.

[No. 15(3)-BC/69.]

New Delhi, the 8th May 1969

S.O. 1823.—Statement of the Affairs of the Reserve Bank of India, as on the 2nd May 1969

BANKING DEPARTMENT

LIABILITIES		ASSETS	
	Rs.		Rs.
Capital paid-up	5,00,00,000	Notes	20,02,64,000
Reserve Fund	150,00,00,000	Rupee Coin	5,55,000
National Agricultural Credit (Long Term Operations) Fund	143,00,00,000	Small Coin	8,41,000
National Agricultural Credit (Stabilisation) Fund	33,00,00,000	Bills Purchased and Discounted :—	
		(a) Internal
		(b) External
National Industrial Credit (Long-Term Operations) Fund	55,00,00,000	(c) Government Treasury Bills	174,20,07,000
		Balances held Abroad*	127,61,94,000
		Investments**	191,97,57,000
Deposits :—		Loans and advances to :—	
(a) Government		(i) Central Government	
(i) Central Government	129,20,04,000	(ii) State Governments@	150,61,97,000

(A) State Governments	12,18,24,000	Loans and Advances to :—	
(B) Banks		(i) Scheduled Commercial Banks†	135,49,04,000
(i) Scheduled Commercial Banks	176,53,01,000	(ii) State Co-operative Banks††	197,55,54,000
(ii) Scheduled State Co-operative Banks	7,87,15,000	(iii) Others	2,76,54,000
(iii) Non-Scheduled State Co-operative Banks	56,62,000	Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund—	
(iv) Other Banks	27,67,000	(a) Loans and Advances to :—	
(c) Others	255,19,70,000	(i) State Governments	31,48,39,000
Bills Payable	18,41,01,000	(ii) State Co-operative Banks	12,51,88,000
Other Liabilities	119,31,85,000	(iii) Central Land Mortgage Banks
		(b) Investment in Central Land Mortgage Bank Debentures	8,58,95,000
		Loans & Advances from National Agricultural Credit (Stabilisation) Fund—	
		Loans and Advances to State Co-operative Banks	4,63,12,000
		Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund—	
		(a) Loans and Advances to the Development Bank	6,26,71,000
		(b) Investment in bonds/Debentures issued by the Development Bank
		Other Assets	42,66,67,000
Rupees	1106,55,29,000	Rupees	1106,55,29,000

* Includes Cash, Fixed Deposits and Short-term Securities.

** Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@ Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

† Includes Rs. 47,70,00,000 advanced to scheduled commercial banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

†† Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 7th day of May, 1969.

An Account pursuant to the Reserve Bank of India Act, 1934 for the week ended the 2nd day of May 1969
ISSUE DEPARTMENT

LIABILITIES		ASSETS		
	Rs.	Rs.	Rs.	Rs.
Notes held in the Banking Department	20,02,64,000		Gold Coin and Bullion :—	
			(a) Held in India	182,53,11,000
			(b) Held outside India	..
			Foreign Securities	216,42,00,000
Notes in circulation	3595,34,24,000		TOTAL	398,95,11,000
			Rupee Coin	69,26,51,000
Total Notes issued		3615,36,88,000	Government of India Rupee Securities	3147,15,26,000
			Internal Bills of Exchange and other Commercial Paper	..
Total Liabilities		3615,36,88,000	Total Assets	3615,36,88,000

Dated the 7th day of May 1969.

(Sd.) L. K. JHA,
Governor.

[No. F. 3(3)-BC/69]
K. YESURATNAM, Under Secy.

CORRIGENDUM

"In the Statement of the Affairs of the Reserve Bank of India, Banking Department as on the 14th March 1969 published in the Gazette of India dated 29th March 1969 at Part II—Section 3(ii) on pages 1144-1145, the figure against the item "Other Liabilities" under 'Liabilities Side' of the Statement should read as 'Rs. 101.55.07.000' instead of Rs. 101.54.07.000".

वित्त मंत्रालय

(अर्थ विभाग)

नई दिल्ली, 25 अप्रैल, 1969

एस० ओ० 1824—बैंकिंग विनियमन अधिनियम, 1949 (1949 के 10वें अधिनियम) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा यह घोषित करती है कि पहली मार्च, 1969 से एक वर्ष की अवधि के लिए इस अधिनियम की धारा ii की उपधारा (i) के उपबंध, नलबरी सेण्ट्रल कोऑपरेटिव बैंकिंग यूनियन लिमिटेड, डाकखाना नलबरी, जिला कामरूप पर लागू नहीं होंगे।

[सं० एफ० 18/4 69 एस० बी०]

के० येसुरत्नम्, अनुसचिव।

(Department of Revenue and Insurance)

INCOME-TAX

New Delhi, the 30th April 1969

S.O. 1825.—In pursuance of sub-clause (f) of clause (iii) of sub-section 3 of Section 194-A of the Income-tax Act, 1961 (43 of 1961) the Central Government hereby notifies the Gujarat Electricity Board, Vidyut Bhavan, Race Course, Baroda-7 for the purposes of the said sub-clause.

[No. 39 (F. No. 12/198/68-ITCC).]

New Delhi, the 1st May 1969

S.O. 1826.—In exercise of the powers conferred by sub-clause (iii) of clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961) the Central Government hereby authorises

(1) Shri T. Girirajan

(2) Shri T. Doraiswamy,

who are Gazetted Officers of the Central Government, to exercise the powers of Tax Recovery Officers under the said Act.

2. This Notification which shall come into force on the 1st May, 1969 supercedes Notification No. 138, dated 25th October, 1967.

[No. 36 (F. No. 16/94/69-ITCC).]

R. D. SAXENA, Dy. Secy.

(Department of Revenue and Insurance)

STAMPS

New Delhi, the 17th May 1969

S.O. 1827.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the stamp duty with which the Ad-hoc Bonds of the face value of sixty seven lakhs of rupees to be issued by the Kerala State Financial Corporation are chargeable under the said Act.

[No. 3/69-Stamps/F. No. 1/11/69-Cus.VII.]

S.O. 1828.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the stamp duty with which the documents namely, promissory note to be issued by the State Bank of India, New Delhi and the agreement to be signed between the State Bank of India and the two French Banks in connection with the French Credit for 1968-69 are chargeable under the said Act.

[No. 5/69-Stamps/F. No. 1/15/69-Cus.VII.]

M. S. SUBRAMANYAM. Under Secy.

(राजस्व और बीमा विभाग)

स्टाम्प

नई दिल्ली, 17 मई, 1969

का० आ० सं० 18 29:—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उप-धारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्द्वारा उस स्टाम्प शुल्क का परिहार करती है जिससे केरल राज्य वित्तीय निगम द्वारा पुरोषृत किये जाने वाले सड़सठ लाख रुपये के अंकित मूल के तदर्थ बन्ध-पत्र उक्त अधिनियम के अधीन प्रभार्य है।

[सं० 3/69-स्टाम्प/का० सं० 1/11/69-सीमा०]

सं० 18 30:—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उप-धारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्द्वारा उस स्टाम्प शुल्क का परिहार करती है जिससे ऐसी दस्तावेजों, अर्थात् भारत के स्टेट बैंक, नई दिल्ली द्वारा पुरोषृत प्रामिसरी नोट तथा 1968-69 के लिए फ्रांसीसी प्रत्यय के सम्बन्ध में भारत के स्टेट बैंक और दो फ्रांसीसी बैंकों के बीच हस्ताक्षर किए जाने वाला करार, उक्त अधिनियम के अधीन प्रभार्य हैं।

[सं० 5/69-स्टाम्प/का० सं० 1 15/69-सी० शु०-7]

एम० एस० सुब्रमन्यम्, अवर सचिव।

(Department of Revenue and Insurance)

CUSTOMS

New Delhi, the 17th May 1969

S.O. 1831.—In exercise of the powers conferred by sub-section (1) of section 4 of the Customs Act, 1962 (52 of 1962), the Central Government hereby appoints Sarvashri K. Dayananda Rao and K. S. Dharmaswarupan, Superintendents of Central Excise Class I, to exercise the powers and discharge the duties of Assistant Collectors of Customs, within the jurisdiction of Collector of Customs, Madras.

[No. 84/F. No. 22/9/68-Cus. IV.]

J. DATTA, Deputy Secy.

(राजस्व और बीमा विभाग)

सीमा-शुल्क

नई दिल्ली, 17 मई 1969

एस० ओ० 1832:—सीमा-शुल्क अधिनियम, 1962 (1962 का 52) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा सर्वश्री के० दयानन्द राव और के० एस० धर्मस्वरूपन्, केन्द्रीय उपादन-शुल्क अधीक्षक, वर्ग-1, को सीमा-शुल्क कलक्टर

सद्रास की अधिकारिता के भीतर सीमा-शुल्क सहायक कलक्टर की शक्तियों का पालन और कर्तव्यों का निर्वहन करने के लिये नियुक्त करती है।

[सं० 84 का० सं० 22/9/68-सी० शु०-4]

गैतिमय दत्त. उप सचिव।

CENTRAL BOARD OF EXCISE AND CUSTOMS

CUSTOMS

New Delhi, the 17th May 1969

S.O. 1833.—In exercise of the powers conferred by section 9 of the Customs Act, 1962 (52 of 1962), the Central Board of Excise and Customs hereby rescind their notification No. 139/68-Customs dated the 12th October, 1968 published as S.O. No. 3540 dated the 12th October, 1968 in the Gazette of India Part II, Section 3, sub-section (ii) at page 4628.

[No. 82/69-Customs F. No. 3/21/68-Cus. VII.]

M. S. SUBRAMANYAM, Under Secy.

केन्द्रीय उत्पाद-शुल्क और सीमा-शुल्क बोर्ड

सीमा-शुल्क

नई दिल्ली, 17 मई 1969

का० आ० 1834.—सीमा-शुल्क अधिनियम, 1962 (1962 का 52) की धारा 9 द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, केन्द्रीय उत्पाद-शुल्क और सीमा-शुल्क बोर्ड, भारत के राजपत्र के भाग 2, खण्ड 3, उपखण्ड (ii) के पृष्ठ 4628 पर का० आ० सं० 3540, तारीख 12 अक्टूबर, 1968 के रूप में प्रकाशित अपनी अधिसूचना सं० 139/68-सीमा-शुल्क, तारीख 12 अक्टूबर, 1968 को एतद्वारा विखण्डित करता है।

[सं० 82/69-सी० शु० का० सं० 3/21/68-सी० शु०-7]

एम० एस० सुब्रमन्यम्, अवर सचिव।

OFFICE OF THE COLLECTOR OF CENTRAL EXCISE & CUSTOMS, PATNA

CENTRAL EXCISE

Patna, the 9th January 1969

S.O. 1835.—In exercise of the powers conferred on me under Rule 5 of the Central Excise Rules, 1914 and in supersession of this office Notification No. 3/CX/68 dated 18-5-1968 as amended in the notification No. 5/CX/68 dated 12-9-1968 I hereby empower the officers of the Central Excise Collectorate, Patna not below the rank specified in Col. 4 of the Table to exercise within their respective jurisdiction the powers of Collector under Rule mentioned in Col. No. 3 in the said Table.

TABLE

Sl. No.	Name of power	Rule No.	Rank of officers to whom delegated
1	2	3	4
1	Power to authorise removal on document other than gate pass in the statutory form	Rule 52-A	A.C.
2	Power to exempt the assessee working under Self Removal Procedure from maintaining a daily stock account in form RG-I if the assessee maintain a satisfactory private account from which all information as required in R. G. I can be readily obtained.	Rule 53 read with Rule 173 G(4)	A.C.

[No. 1/CX/69]

TILAK RAJ, Collector.

CENTRAL EXCISE COLLECTORATE, BARODA**CUSTOMS***Baroda, the 18th April 1969*

S.O. 1836.—In exercise of the powers conferred by Clause 34 of Section 2 of the Customs Act, 1962, the Collector of Central Excise and Customs, Baroda hereby assigns the functions under Section 11M of the said Act to all officers not below the rank of Inspector of Central Excise and Customs of Baroda Collectorate of Central Excise.

[No. 2/1969.]

L. M. KAUL, Collector.

OFFICE OF THE COLLECTOR OF CUSTOMS & CENTRAL EXCISE, COCHIN*Cochin, the 21st April 1969*

SUBJECT.—*Central Excise—Self Removal Procedure—Formula of manufacture—maintenance of raw material accounts and submission of R.T. 5 return by the manufacturers—Examination of.*

S.O. 1837.—Attention of the Trade is invited to Rule 173G(4) of the Central Excise Rules, 1944, communicated with this Collectorate's Trade Notice No. 127/68, dated 18th May, 1968.

2. In this connection, a copy of this Collectorate's Notification No. 3/69, dated 21st April 1969 is enclosed for the information of the Trade.

3. The Trade is also informed that, if the accounts already maintained by the manufacturers for their own use in respect of the raw materials specified in the aforesaid Notification, are adequate for Central Excise purposes, they shall be accepted in lieu of record prescribed under the above mentioned Rule. For this facility, the assesseees are requested to approach the jurisdictional Assistant Collectors and obtain their prior approval.

4. The assesseees are further informed that they should maintain the accounts in respect of quantities of raw materials *issued for manufacture* and not necessarily for the quantities which have actually been *used* in the manufacture

5. The names of the important raw materials, in respect of the remaining 14 excisable commodities will be notified in due course. Till such time, the existing practice may continue in respect of these 14 commodities.

6. Manufacturers of P or P Medicines and Cosmetics and Toilet Preparations have already been exempted from submission of R.T. 5 returns and maintenance of additional accounts of raw materials—*vide* this Collectorate's Trade Notice No. 269/68, dated 2nd December, 1968.

7. All the interested parties may please be informed accordingly.

(Issued from file C. No IV/16/174/68 CX. I).

[No. 62/69-C.E.]

CENTRAL EXCISES

Cochin, the 21st April 1969

S. O. 1838.—In exercise of the powers conferred on me under Rule 173G(4) of the Central Excise Rules, 1944, I hereby, prescribe maintenance of raw material accounts in form IV—*vide* this Collectorate's Trade Notice No. 127/68-Central Excises, dated 18-5-1968 and submission of quarterly return in form R.T. 5, in respect of the essential raw materials listed in column 4 of the statement annexed hereto, for the excisable goods mentioned in column 3 of the said statement, with effect from the 1st April, 1969.

STATEMENT

Sl. No.	Tariff item No.	Description	Name of Important Raw Materials (4)
(1)	(2)	(3)	(4)
1	I	Sugar	Sugar cane and/or Beetroot.
2	I A	Confectionery	Sugar.
3	3	Tea	Green Leaf.
4	4 II	Cigars and Cheroots	Unmanufactured Tobacco.
5	12	Vegetable Non-essential Oils	(i) Oil Seeds. (ii) Oil Cake for Extraction Plants. (iii) Unprocessed V.N.E. Oil for processing plants.
6	13	Vegetable Product	V. N. E. Oil.
7	14A	Soda Ash	Common Salt.
8	14B	Caustic Soda	Common Salt
9	14BB	Sodium Silicate	Soda Ash.
10	14C	Glycerine	1. Soap sperm lye and/or sweet Water Lye. 2. Commercial Glycerine for refining plants.
11	14D	Synthetic Organic Dye stuffs	Will be notified later.
12	14DD	Synthetic Organic products	Chemical compound/compounds having the optical bleaching property, such as Sodium Salt of Benzoyl Diamino Stilbene Disulphonic Acid.
13	14G	Sulphuric Acid	Sulphur and/or Pyrites.

1	2	3	4
14	14H	Carbonic Acid Gas (Carbon Dioxide)	(i) Coke, or (ii) Light Diesel oil, or (iii) Any other material containing carbonates used for Co ₂ production.
15	15	Soap	V.N.E. Oil or other fats including and/or Soap stock.
16	15A	Artificial or Synthetic resins & plastic. Materials and Articles thereof.	Will be notified later.
17	15AA	Surface Active Agents	The Chemical compound, which is a surface Active Agent.
18	15B	Cellphane	Woodpulp.
19	16A	Rubber Products for Latex Foam Sponge.	Rubber Latex.
20	18	Rayon and synthetic fibre and yarn.	1. Stable Fibre of Cellulosic Raw Material origin. Wood Pulp. 2. Viscose yarn ,, 3. Yarn spun out of Staple fibre. Cellulosic staple fibre. 4. Nylon continuous Filament. Caprolactum (Monomer) 5. Terene Staple fibre } Polyester. 6. Terene continuous Filament } Polymer Chips. 7. Cellulose Acetate yarn & fibre Wood Pulp or Ethyl Alcohol. 8. Scrylic Fibre Acryl nitrate.
21	18B	Woollen yarn (a) Worsted (b) Others	1. Wool top for worsted woollen yarn. 2. Raw wool for others 3. Old Woollen fabrics etc. for shoddy woo
22	21	Woollen Fabrics	1. Woollen yarn, or 2. Grey Fabrics (for processing units).
23	22	Rayonor Art Silk Fabrics	1. Yarn and/or 2. Grey Fabrics (for processing units).
24	22B	Textile Fabrics impregusted	Fabrics
25	23	Cement	(i) Limestone and (ii) Gypsum
26	23C	Asbestos Cement Product	(i) Portland Cement, and (ii) Asbestos
27	25	Iron in any Crude Form	Iron Ore
28	26	Steel Ingots	Iron ore and/or Steel Scrap.
29	26A	Copper and Copper Alloys	1. Copper Ingots or Copper Scrap or Copper Ore. 2. Gullies, (for rolling mills).
30	26AA	Iron & Steel Products	(i) Steel Ingots, or (ii) Semi-finished steel, or (iii) Scrap (iv) for pipes—plates or sheets or skelp or strips or flats or billets.

1	2	3	4
31	26B	Zinc	(i) Zinc or (ii) Ingots and Bars, or (iii) Plates and Sheets.
32	27	Aluminium	(i) Bauxite, or (ii) Ingots and Bars, or (iii) Scrap, or (iv) Aluminium dross.
33	27A	Lead	(i) Ore and/or (ii) Scrap.
34	28	Tin plates and Tinned Sheets.	Plates or sheets or strips
35	29	Internal Combustion Engines.	(a) Block castings, or (b) Crank cases, or (c) Nozzle holders and fuel pumps.
36	29A	Refrigerating and Air Conditioning appliances and Machinery.	1. Refrigerators, Compressors Air Conditioners. 2. Compressors—Compressor Block or Rotor & Stator. 3. Condensers—Copper tubing. 4. Thermostats—Power element.
37	30	Electric Motors	1. Bearings. 2. Stampings for manufacture of stators only.
38	31	Electric Batteries and parts thereof.	1. Storage Batteries Containers. 2. Dry Batteries Zinc or Aluminium rods or pellets or containers. 3. Plates Lead ingots or scrap. 4. Containers and covers Hard rubber sheets.
39	32	Electric Lighting Bulbs & Fluorescent lighting Bulbs.	(i) Bulbs (ii) Fluorescent Tubes Glass Tube Shells Glass Shells. (iii) Miniature Bulbs Metal caps.
40	33	Electric Fans	Electric Motor.
41	33A	Wireless Receiving Sets	(a) Valves or transistor; and (b) Gang condensers.
42	34	1. Motor vehicles excluding Tractors. 2. Tractors	1. Engine Blocks. 2. I.C. Engines.
43	37A	Gramophones	Motor.
44	38	Matches	Potassium Chlorate.
45	39	Mechanical Lighters	Body of lighter.

MINISTRY OF PETROLEUM AND CHEMICALS AND MINES AND METALS**(Department of Chemicals)***New Delhi, the 28th April 1969*

S.O. 1839.—In exercise of the powers conferred by sub-section (1) of section 19 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby authorises each of the officers of the Government of Orissa specified in the Schedule below to exercise the powers specified in clauses (a), (b) and (c) of the said section in so far as they relate to the industry specified in sub-item (1) of item 26 of the First Schedule to the said Act

SCHEDULE

1. Excise Commissioner.
2. Excise Deputy Commissioner.
3. Superintendent of Excise.
4. Inspector of Excise.

[No. 4/2/68/Ch. I.]

R. S. GOPALAN, Under Secy.

पट्टोलियम तथा रसायन और खान तथा धातु मंत्रालय**(रसायन विभाग)***नई दिल्ली, 29 अप्रैल 1969*

एस० नो०. 1840.—इण्डस्ट्रीज (डिवेलपमेंट और रेगुलेशन) एक्ट, 1951 (1951 का 65) की धारा 19 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उड़ीसा सरकार के निम्न सूची में निर्दिष्ट प्रत्येक अफसर को उक्त धारा के (क), (ख) और (ग) खण्डों में निर्दिष्ट शक्तियों का, जहां तक वे उक्त अधिनियम की प्रथम सूची के मद संख्या 26 के उप-मद (1) में लिखित उद्योग से सम्बन्धित है; प्रयोग करने का अधिकार देती है।

सूची

1. उत्पादन शुल्क आयुक्त
2. उत्पादन शुल्क उप-आयुक्त
3. उत्पादन शुल्क अधीक्षक
4. उत्पादन शुल्क निरीक्षक

[संख्या 4/2/68-कैमी-1]

आर० एस० गोपालन, अवसर सचिव।

(Department of Petroleum)*New Delhi, the 1st May 1969*

S.O. 1841.—Whereas by the notification of the Government of India as shown in the schedule appended hereto and issued under sub-section (i) of section 6 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962, the right of user has been acquired in the lands specified in the schedule appended thereto for laying pipeline for the transport of petroleum from drill site B. M. & B.N., B.O. to G.G.S. I, in the Nawagam Oil Field in Gujarat State.

And whereas the Oil and Natural Gas Commission has terminated the Operations referred to in clause (i) of sub-section (i) of section 7 of the said Act on 5th August, 1968.

Now, therefore, under rule 4 of the Petroleum Pipelines (Acquisition of Right of User in Land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of the operations referred to above.

SCHEDULE

Termination of operations of pipelines from BM & BN, BO TO G.G.S.I.

Name of Ministry	Villages	S. O. No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum & Chemicals	Nawagam Kathwada Pansoli.	40	4-1-69	5-8-1968

[No. 29/7/68-IOC/LAB.]

R. K. SINHA, Under Secy.

DEPARTMENT OF COMMUNICATIONS

(P. & T. Board)

New Delhi, the 29th April 1969

S.O. 1842.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director-General, Posts and Telegraphs, hereby specifies the 1st June, 1969 as the date on which the Measured Rate System will be introduced in ANAND and VALLABH—VIDYANAGAR C. B. Multiple Exchanges, in Gujarat Circle.

[No. 5-27/68-PHB(4).]

New Delhi, the 8th May 1969

S.O. 1843.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General Posts and Telegraphs, hereby specifies the 1st June, 1969 as the date on which the Measured Rate System will be introduced in Bolpur Telephone Exchange West Bengal Circle.

[No. 5-35/69-PHB (2).]

D. R. BAHL,

Asstt. Director General (PHB).

संचार विभाग

(डाक-तार बोर्ड)

नई दिल्ली, 29 अप्रैल 1969

एस० ओ० 1844.—स्थायी आदेश क्रम संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किये गए 1951 के भारतीय तार नियमों के नियम 434 के खण्ड III के पैरा (क) के अनुसार डाक-तार महानिदेशक ने आनन्द और बल्लभ विद्यानगर टेलीफोन केन्द्र में 1-6-69 से प्रमाणित दर प्रणाली लागू करने का निश्चय किया है।

[सं० 5-27 68 पी० एच० बी०.]

नई दिल्ली, 8 मई, 1969

स्वार्थी आदेश क्रमसं. या 1845:—स्थायी आदेश क्रमसंख्या 627, दिनांक 8 मार्च, 1969 द्वारा लागू किये गए 1951 के भारतीय तार नियमों के नियम 434 के खण्ड III के पैरा (क) के अनुसार डाक-तार महानिदेशक ने ब्रोलपुर टेलीफोन केन्द्र में 1-6-69 से प्रमाणित दर प्रणाली लागू करने का निश्चय किया है ।

[नं० 5-35/69-पी० एच० बी०]

डी० आर० बहल,
सहायक महानिदेशक (पी०ए० बी०)

(P. & T. Board)

New Delhi, the 9th May 1969

S.O. 1846.—In pursuance of clause (6) of section 3 of the Indian Telegraph Act, 1885 (13 of 1885), the Director General of Posts and Telegraphs hereby empowers all officers of the rank of Divisional Engineers in P. & T. Department to perform all or any of the functions of the telegraph authority relating to sections 10 and 11 of the said Act.

[No. 20-111/68-NM.]

L. C. JAIN,
Director General Posts and Telegraphs.

पोत परिवहन और परिवहन मंत्रालय

नई दिल्ली, 24 मार्च, 1969

का० आ० 1847.—राष्ट्रीय पोत परिवहन बोर्ड नियम, 1969 के नियम 4 के उप नियम (2) के साथ पठित वाणिज्य पोत परिवहन अधिनियम, 1958 (1958 का 44) की धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, श्री एस० चक्रवर्ती के स्थान पर जिन्होंने 24 फरवरी 1969 से बोर्ड से पदत्याग कर दिया है, श्री एस० के० दत्त को राष्ट्रीय पोत परिवहन बोर्ड का सदस्य एतद्वारा नियुक्त करती है और भारत सरकार के परिवहन और पोत परिवहन मंत्रालय (परिवहन पक्ष) की अधिसूचना सं० का० आ० 2319 तारीख 6 जुलाई, 1967 में निम्नलिखित अतिरिक्त संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में, प्रविष्टि “8—श्री एस० चक्रवर्ती” के लिए प्रविष्टि “8—श्री एस० के० दत्त” प्रतिस्थापित की जायेगी ।

[सं० 37-एम० डी० 4/67.]

जसवन्त सिंह,
अवर सचिव ।

MINISTRY OF SHIPPING AND TRANSPORT

(Transport Wing)

New Delhi, the 9th May 1969

S.O. 1848.—In exercise of the powers conferred by sub-rule (1) of rule 9 of the Shipping Development Fund Committee (General) Rules, 1960, the Central Government hereby makes the following amendment in the notification of the

Government of India in the Ministry of Transport and Shipping (Transport Wing) No. 35-MD(9)/67, dated the 20th June, 1967, namely:—

In the said notification, for the words and figure “a Grade I Officer of the Central Secretariat Service and officiating as Deputy Director General of Shipping”, the word “Deputy Secretary, Ministry of Shipping and Transport” shall be substituted.

[No. 35-MD(9)/69.]

JASWANT SINGH Under Secy.

(Transport Wing)

MERCHANT SHIPPING

New Delhi, the 30th April 1969

S.O. 1849.—In pursuance of clause (a) of sub-section (1) of section 283 of the Merchant Shipping Act, 1958 (44 of 1958), the Central Government hereby declares that the Governments of Guinea, Uruguay, Syria and Venezuela have accepted the Safety Convention as defined in clause (37) of section 3 of the said Act, that is to say, the Convention for the Safety of Life at Sea signed in London on the seven-teenth day of June, nineteen hundred and sixty, as amended from time to time.

[No. F. 46-MA(10)/66.]

RAM KISHORE, Under Secy.

MINISTRY OF HEALTH & FAMILY PLANNING & WORKS, HOUSING AND U.D.

(Department of Health)

New Delhi, the 30th April 1969

S.O. 1850.—For the purposes of rules 71 and 76 of the Drugs and Cosmetics Rules, 1945 and supersession of the Notification of the Government of India in the late Ministry of Health No. F. 1-13/60-D, dated the 19th December, 1960, the Central Government hereby recognises the following Universities in respect of the degrees specified against them, namely:—

- | | | | |
|-----|--|---|-------------------------------------|
| I. | <ol style="list-style-type: none"> 1. Andhra University 2. Banaras Hindu University 3. Bangalore University 4. Birla Institute of Technology and Science, Pilani 5. Bombay University 6. Gujarat University 7. Madras University 8. Madurai University 9. Mysore University 10. Jadavpur University 11. Nagpur University 12. Punjab University 13. Rajasthan University 14. Saugar University 15. Shivaji University | } | Degree in Pharmacy |
| II. | <ol style="list-style-type: none"> 1. Andhra University 2. Banaras Hindu University 3. Bombay University 4. Gujarat University 5. Madras University 6. Nagpur University 7. Punjab University 8. Rajasthan University 9. Saugar University | } | Degree in Pharmaceutical Chemistry. |

III.

1. Agra University
2. Aligarh Muslim University
3. Allahabad University
4. Andhra University
5. Annamalai University
6. Banaras Hindu University
7. Baroda University
8. Bangalore University
9. Bhagalpur University
10. Bihar University
11. Bombay University
12. Burdwan University
13. Calcutta University
14. Delhi University
15. Dibrugarh University
16. Gauhati University
17. Gorakhpur University
18. Gujarat University
19. Indore University
20. Jabalpur University
21. Jadavpur University
22. Jammu and Kashmir University
23. Jiwaji University
24. Jodhpur University
25. Kalyani University
26. Karnatak University
27. Kerala University
28. Lucknow University
29. Madras University
30. Madurai University
31. Magadh University
32. Marathwada University
33. Meerut University
34. Mysore University
35. Nagpur University
36. North Bengal University
37. Osmania University
38. Patna University
39. Punjab University
40. Poona University
41. Ranchi University
42. Ravi Shanker University
43. Rajasthan University
44. Saugar University
45. Sardar Vallabhai Vidyapeeth
46. Sri Venkateswara University
47. Utkal University
48. Vikram University

Degree in Science with Chemistry as a Principal Subject.

IV.

1. Agra University
2. Annamalai University
3. Bangalore Hindu University
4. Birla Institute of Technology & Science, Pilani
5. Burdwan University
6. Gauhati University
7. Indian Institute of Technology, Madras.
8. Indian Institute of Technology, Kanpur.
9. Indian Institute of Technology, Delhi.
10. Indian Institute of Technology, Kharagpur.
11. Indian Institute of Technology, Bombay
12. Jadavpur University
13. Osmania University
14. Roorkee University

Degree in Chemical Engineering

V.

1. Agra University
2. Andhra University
3. Banaras Hindu University
4. Bombay University
5. Calcutta University
6. Madras University
7. Nagpur University

8. Osmania University
9. Punjab University
10. Indian Institute of Technology, Kharagpur.
11. Indian Institute of Technology, Bombay.
12. Indian Institute of Technology, Kanpur.
13. Indian Institute of Technology, Delhi.
14. Indian Institute of Technology, Madras.
15. Jadavpur University

Degree in Chemical Technology.

- VI.
1. Aligarh Muslim University
 2. Agra University
 3. Allahabad University
 4. All India Institute of Medical Sciences, New Delhi
 5. Andhra University
 6. Banaras Hindu University
 7. Baroda University
 8. Bihar University
 9. Bombay University
 10. Bangalore University
 11. Calcutta University
 12. Delhi University
 13. Dibrugarh University
 14. Gujarat University
 15. Gauhati University
 16. Indore University
 17. Jabalpur University
 18. Jammu and Kashmir University
 19. Jiwaji University
 20. Kerala University
 21. Lucknow University
 22. Madras University
 23. Karnatak University
 24. Madurai University
 25. Marathwada University
 26. Magadh University
 27. Meerut University
 28. Mysore University
 29. Nagpur University
 30. Osmania University
 31. Patna University
 32. Poona University
 33. Punjab University
 34. Rajasthan University
 35. Ravi Shanker University
 36. Ranchi University
 37. Saugar University
 38. Shivaji University
 39. Sri Venkataswara University
 40. Utkal University
 41. Vikram University

Degree in Medicines

[No. F. 1-57/68 -D]

L. K. MURTHY,
Under Secy.

(Department of Health)

New Delhi, the 3rd May 1969

S.O. 1851.—Whereas in pursuance of the provisions of clause (o) of sub-section (1) of section 3 of the Indian Nursing Council Act, 1947 (48 of 1947), the Council of States, has, at its sitting held on the 18th August, 1966, elected Shrimati Annapurna Devi Thimmareddy, Member of Rajya Sabha, to be a member of the Indian Nursing Council *vice* Shrimati Devaki Gopidas who resigned her membership of the Indian Nursing Council, on the 19th May, 1966.

Now, therefore, in pursuance of the provisions of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Health No. F. 27-57/57-MII(B), dated the 1st December, 1958, namely:—

In the said notification, under the heading,

"Elected under clause (o) of sub-section (1) of section 3"

for entry 3, the following entry shall be substituted, namely:—

"3. Shrimati Annapurna Devi Thimmareddy, Member Rajya Sabha—93, South Avenue, New Delhi."

[No. F. 24-14/66-MPT.]

ORDERS

New Delhi, the 3rd May 1969

S.O. 1852 —Whereas by the notification of the Government of India in the late Ministry of Health No. 16-14/59-MPT, dated the 30th March, 1960, the Central Government has directed that the Medical qualification "Doctor of Medicine" granted by the Baylor University School of Medicine, U.S.A., shall be recognised medical qualification for the purposes of the Indian Medical Council Act, 1956 (102 of 1956);

And whereas Dr. R. G. Burrows who possesses the said qualification is for the time being attached to the Makunda Leprosy Colony and Hospital, P.O. Bazaricherra, Chachar, Assam, for the purposes of teaching and charitable work

Now, therefore, in pursuance of clause (c) of the proviso to sub-section (1) of section 14 of the said Act, the Central Government hereby specifies—

- (i) a further period commencing from the 1st January, 1969, and ending with the 31st December, 1969, or
- (ii) the period during which Dr. R. G. Burrows is attached to the said Makunda Leprosy Colony and Hospital, P.O. Bazaricherra Chachar, Assam,

whichever is shorter, as the period to which the medical practice by the aforesaid doctor shall be limited.

[No. F. 19-10/69-MPT.]

S.O. 1853.—Whereas by the notification of the Government of India in the late Ministry of Health No. 17-2/60-MI, dated the 25th April, 1964, the Central Government has directed that the Medical qualification "Doctor of Medicine" granted by the University of Colorado School of Medicine, U.S.A. shall be recognised medical qualification for the purposes of the Indian Medical Council Act, 1956 (102 of 1956);

And whereas Dr. Edward Clark Riggs who possesses the said qualification is for the time being attached to the Christian Fellowship Leprosy Hospital, Ambilikai, Oddanchatram, Madurai District, for the purposes of charitable work.

Now, therefore, in pursuance of clause (c) of the proviso to sub-section (1) of section 14 of the said Act, the Central Government hereby specifies—

- (i) a further period of two years from the date of publication of this order in the Official Gazette, or
- (ii) the period during which Dr. Edward Clark Riggs is attached to the said Christian Fellowship Leprosy Hospital, Ambilikai, Oddanchatram, Madurai District,

whichever is shorter, as the period to which the medical practice by the aforesaid doctor shall be limited.

[No. F. 19-47/68-MPT.]

B. S. SINGH, Dy. Secy.

(Department of Health)

New Delhi, the 7th May 1969

S.O. 1854.—In pursuance of clause (c) of Section 5 of the Postgraduate Institute of Medical Education and Research, Chandigarh Act, 1966 (51 of 1966), the Central Government hereby nominate Shri A. N. Kashyap, Chief Secretary to the Government of Punjab, as a member of the Postgraduate Institute of Medical Education and Research, Chandigarh, *vice* Shri Paramjit Singh resigned.

[No. F. 1-38/69-ME(PG).]

R. N. MADHOK, Jt. Secy.

(Department of Health)

ORDERS

New Delhi, the 7th May 1969

S.O. 1855.—Whereas by the notification of the Government of India in the late Ministry of Health No. 17-2/60-MI dated the 22nd April, 1960 the Central Government has directed that the Medical qualification, Doctor of Medicine granted by the University of Munich shall be recognised medical qualification for the purposes of the Indian Medical Council Act, 1956 (102 of 1956);

And whereas Dr. G. T. Warner who possesses the said qualification is for the time being attached to the Ruby Nelson Memorial Hospital of Seventh Day Adventists, Cantonment Road, Jullundur for the purposes of charitable work;

Now, therefore, in pursuance of clause (c) of the proviso to sub-section (1) of section 14 of the said Act, the Central Government hereby specifies—

- (i) a period of two years from the date of publication of this order in the Official Gazette, or
- (ii) the period during which Dr. G. T. Warner is attached to the said Ruby Nelson Memorial Hospital of Seventh Day Adventists, Cantonment Road, Jullundur,

whichever is shorter, as the period to which the medical practice by the aforesaid doctor shall be limited.

[No. F. 19-6/69-MPT.]

S.O. 1856.—Whereas by the notification of the Government of India in the late Ministry of Health No. 32-30/64-MPT. dated the 23rd January, 1965, the Central Government has directed that the Medical qualification "Doctor of Medicine" granted by the University of Columbia, N.Y., U.S.A. shall be recognised medical qualification for the purposes of the Indian Medical Council Act, 1956 (102 of 1956);

And whereas Dr. David H. Barnhouse who possesses the said qualification is for the time being attached to the Christian Medical College, Ludhiana for the purposes of teaching, research or charitable work;

Now, therefore, in pursuance of clause (c) of the proviso to sub-section (1) of section 14 of the said Act, the Central Government hereby specifies—

- (i) a further period commencing from the 3rd February, 1967 and ending with the 30th June, 1969, or,
- (ii) the period during which Dr. David H. Barnhouse is attached to the said Christian Medical College,

whichever is shorter, as the period to which the medical practice by the aforesaid doctor shall be limited.

[No. F.19-3/69-MPT.]

K. DEO, Under Secy.

MINISTRY OF FOREIGN TRADE AND SUPPLY

New Delhi, the 6th May 1969

S. O. 1857 In pursuance of rule 8 of the Export of Safety Glass (Inspection) Rules, 1969 the Central Government hereby appoints the persons mentioned in column (2) of the Table below as the panel of experts for the purpose of hearing appeals under the said rule against the decision of the Export Inspection Agency, mentioned in the corresponding entry in column (1) thereof :

Provided that where a member of any of the said panels is personally interested in the subject matter of any appeal, he shall not take part in the proceedings relating to that appeal.

THE TABLE

Authority against whose decision appeal lies.	Persons constituting the panel of experts to which appeal lies.
(1)	(2)
1. Export Inspection Agency, Calcutta.	1. Dr. S. N. Prasad, Central Glass and Ceramics Research Institute, Jadavpur, Calcutta-32.—Chairman 2. Shri C. K. Somany, Hindustan National Glass Mfg. Co. Ltd., 2, Wellesley Place, Calcutta-1. 3. Shri M. L. Jhunjhunwala, Bengal Glass Manufacturers Association, P-II, Mission Row Extension, Calcutta-1. 4. Shri R. C. Srivastava, Production Manager, Electric Lamp Manufacturers Pvt., Ltd., 1, Taratolla Road, Calcutta-24. 5. Assistant Director (Chemicals), Export Inspection Council C 14/1B, Ezra Street, 7th Floor, Calcutta-1—Ex-officio. 6. Deputy Director (Chemicals), Ex-Officio Export Inspection Council 4/1B, Ezra Street, 7th Floor, Calcutta-1—Convener.
2. Export Inspection Agency, Bombay	1. Dr. S. R. Lele, Silica Ware Private Ltd. 54-C, Chotani Estate, Proctor Road, Bombay-7—Chairman. 2. Shri S. P. Sood, Tech-Con Associates, 432, Naigaum Cross Road, Bombay-31 (DD). 3. The Hony. Secretary, Ex-officio All India Glass Merchants' Asscn., 116, Abdul Rehman Street, Bombay-3. 4. Shri K. N. Parikh, Vazir Glass Works Ltd., J. B. Nagar, Andheri, Bombay-59 (AS). 5. Shri C.A. Taktawala, Shri Vallabh Glass Works (P) Ltd., Anand, Sagitara Road, Vallabh, Vidyanagar (Gujarat). 6. Assistant Director (Chemicals) Ex-officio Export Inspection Council, 'Mani Mahal' (2nd floor), 11/21, Mathew Road, Bombay-4. 7. Joint Director, Ex-officio Export Inspection Council, Mani Mahal (2nd floor), 11/21, Mathew Road, Bombay-4—Convener.

(1)

(2)

3. Export Inspection Agency, Delhi:

1. Director, *Ex-officio* Small Industries Service Institute, Okhla, New Delhi—Chairman.

2. Shri B. N. Bhaskar, Ishwar Industries Ltd., Ishwar Nagar, New Delhi.

3. Joint Director of Industries (Chemicals) *Ex-officio* Government of Rajasthan, Jaipur.

4. Deputy Director, *Ex-officio* Export Inspection Agency—Delhi, 6-B/9, Northern Extn. Area, Rajender Nagar, New Delhi—5—Convener.

4. Export Inspection Agency, Madras and Cochin.

1. Shri S. P. Jamal, Shimada Glass Factory Ltd., 55-58, Konnur High Road, Madras-3—Chairman.

2. Shri N. I. Patel, K. N. Patel & Co., 7/22, Broadway, Madras-1.

3. The Deputy Director (Export Promotion), *Ex-officio* Office of the Jt. Chief Controller of Imports & Exports, P.O. Box No. 1842, Madras-1.

4. Prof. P. B. Janardhan, University of Madras A.C. College of Technology, Buildings Guindy, Madras-25.

5. Dr. M. S. Patel, Regional Manager, The State Trading Corpn. of India Ltd., 123, Mount Road, Madras-6.

6. Manager, *Ex-officio*, Export Inspection Agency, 'Sire Mansion', 123, Mount Road, Madras-6—Convener.

2. The quorum of the panel shall be three.

[No. F. 60(58)/Exp. Insp 68]

M. K. B. BHATNAGAR,

Dy. Director (Export Promotion).

MINISTRY OF COMMERCE

(Office of the Jt. Chief Controller of Imports and Exports)

(Central Licensing Area)

ORDERS

New Delhi, the 8th April 1969

S.O. 1858.—M/s. Sani Tolls Products, M.P. No. 1, New Multani Nagar, Shakurbasti, Delhi were granted an import licence No. P/S/1609365/C/XX/25-C/D/25-26 dated 16th January, 1968 for the import of Cellulose Wadding on General Area for Rs. 4000/- (Rs. four thousand only). They have applied for the issue of duplicate Customs Purpose Copy of the licence on the ground that Customs Purpose Copy of the licence has been misplaced without having been registered with any Custom House.

2. The applicant have filed an affidavit on stamped paper in support of their contention as required under para 299(2) read with Appendix 8 of the I.T.C. Hand Book of Rules and Procedure 1968. I am satisfied that the original Customs Purpose Copy of the Licence has been misplaced.

3. In exercise of the powers conferred on me under clause 9(cc) Imports (Control) Order, 1955 dated 7th December, 1955 as amended up-to-date, I order cancellation of Customs purpose copy of licence No. P/S/1609365/C/XX/25-C/D/25-26 dated 16th January, 1968.

4. The applicants case will now be considered for issue of a duplicate Customs Copy of the said licence in accordance with para 299(2) of I.T.C. Hand Book of Rules and Procedure, 1968.

[No. S-48/AM.68/AU.UT/CLA.]

New Delhi, the 25th April 1969

S.O. 1859.—M/s. Kakar & Co. 31, Subzi Mandi, Delhi were granted permit No. P/E/0157857 dated 19th August 1967 valued Rs. 16100/- for import of fresh fruits (Grapes) from Afghanistan under the Indo-Afghan Trade Arrangement 1967-68. They have applied for the duplicate Exchange Control Copy of the said permit on the ground that the original Exchange Control Copy has been lost/misplaced after having been registered with Hussainiwala, Ferozepur Custom and utilised fully.

In support of their declaration, the party has filed an affidavit duly attested by Notary stating that the original exchange Control Copy of the said permit has been lost/misplaced.

I am satisfied that Exchange Control Copy of the Permit No. P/E/0157857 dated 19th August 1967 has been lost/misplaced and direct that duplicate Exchange Control Copy of the same may be issued to the applicant.

The original Exchange Control Copy of the Permit is hereby cancelled.

[No. F. 21(A)/IV/PER/K-1(1)/AJ-68/AFTR/CLA.]

New Delhi, the 26th April 1969

S.O. 1860.—M/s. Shree Harmilap Co., Subzi Mandi, Delhi were granted permit No. P/E/0164196 dated 17th September 1968 valued Rs. 100000/- for import of fresh fruits (Grapes) from Afghanistan under the Indo-Afghan Trade Arrangement 1968-69. They have applied for the duplicate Exchange Control Copy of the said permit on the ground that the original Exchange Control Copy has been lost/misplaced after having been registered with Hussainiwala Ferozepur Custom & utilised partly.

In support of their declaration, the party has filed an affidavit duly attested by Notary stating that the original Exchange Control Copy of the said permit has been lost/misplaced.

I am satisfied that Exchange Control Copy of the Permit No. P/E/0164196 dated 17th September 1968 has been lost/misplaced and direct that duplicate Exchange Control Copy of the same may be issued to the applicant.

The original Exchange Control Copy of the Permit is hereby cancelled.

[No. F. 21(A)/IV/H-2(33)/AJ-69/AFTR/CLA.]

New Delhi, the 6th May 1969

S.O. 1861.—M/s. Manohar Lal Sehtya & Co., 16-C. Indra Market, Subzimandi Delhi-7 were granted permit No. P/E/0164179 dated 17th September, 1968 valued Rs. 48,510/- for import of Fresh Fruits (GRAPES) from Afghanistan under the Indo-Afghan Trade Arrangement 1968-69. They have applied for the duplicate Exchange Control Copy of the said permit on the ground that the original Exchange Control Copy has been lost/misplaced after having been registered with Hussainiwala, Ferozepur Custom House and utilised fully.

2. In support of their declaration, the party has filed an affidavit duly attested by Notary stating that the original Exchange Control Copy of the said permit has been lost/misplaced.

3. I am satisfied that Exchange Control Copy of the permit No. P/E/0164179 dated 17th September, 1968 has been lost/misplaced and direct that duplicate Exchange Control Copy of the same may be issued to the applicant.

4. The original Exchange Control Copy of the permit is hereby cancelled.

[No. 21(A)IV/PER/M.I/(37)/AJ.69/AFTR/CLA.]

RAM MURTI SHARMA,

Jt. Chief Controller of Imports and Exports.

MINISTRY OF INFORMATION AND BROADCASTING*New Delhi, the 1st May 1969*

S.O. 1862.—In exercise of the powers conferred by Section 5(1) of the Cinematograph Act, 1952 and sub-rule (3) of rule 8 read with sub-rule 2 of rule 9 of the Cinematograph (Censorship) Rules, 1958, the Central Government after consultation with Central Board of Film Censors, hereby appoints Shri Ashok Rudra, as a member of the Advisory Panel of the said Board at Calcutta with immediate effect

[No. 11/1/68-F(C).]

H. B. KANSAL, Under Secy.

सूचना और प्रसारण मन्त्रालय

नई दिल्ली, 1 मई 1969

एस० ओ० 1863— चलचित्र अधिनियम, 1952 की धारा 5 (1) और चलचित्र (सेन्सर) नियमावली, 1958 के नियम 9 के उप नियम 2 के साथ पठित नियम 8 के उप नियम (3) द्वारा दिए गए अधिकारों का प्रयोग करने हुए, केन्द्रीय सरकार ने केन्द्रीय फिल्म सेन्सर बोर्ड से परामर्श करके एतद्द्वारा श्री अशोक रुद्रा को अभी से उक्त बोर्ड, कलकत्ता के सलाहकार मण्डल का सदस्य नियुक्त किया है।

[सं० फा० 11/1/68-एफ०सी०]

हरि बाबू कंसल, अवर सचिव।

ORDERS*New Delhi, the 30th April 1969*

S.O. 1864.—In pursuance of the directions issued under the provisions of the enactments specified in the First Schedule annexed hereto the Central Government after considering the recommendations of the Film Advisory Board, Bombay hereby approves the film specified in column 2 of the Second Schedule annexed hereto in Marathi version to be of the description specified against it in column 6 of the said Second Schedule.

THE FIRST SCHEDULE

- (1) Sub-section (4) of the Section 12 and Section 16 of the Cinematograph Act, 1952 (Central Act XXXVII of 1952).
- (2) Sub-Section (3) of Section 5 and Section 9 of the Bombay Cinemas (Regulation) Act, 1953 (Bombay Act XI of 1953).

THE SECOND SCHEDULE

S. No.	Title of the film	Length 35 mm	Name of the Applicant	Name of the Producer	Whether a Scientific film or a film intended for educational purposes or a film dealing with news and current events or a documentary film.
1	2	3	4	5	6
1	Nyayadevatechi (Marathi)	297·18M	Director of Publicity, Government of Maharashtra, Film Centre, 68-Tardeo Rd., Bombay-34.		Documentary film (For release in Maharashtra Circuit only)

[No. F. 24/1/69-FP. App. 1348.]

S.O. 1865.—In pursuance of the directions issued under the provisions of each of the enactments specified in the First Schedule annexed hereto, the Central Government after considering the recommendations of the Film Advisory Board, Bombay hereby approves the films specified in column 2 of the Second Schedule annexed hereto in Gujarati to be of the description specified against each in column 6 of the said Second Schedule.

THE FIRST SCHEDULE

- (1) Sub-Section 4 of the Section 12 and Section 16 of the Cinematograph Act, 1952 (Central Act XXXVII of 1952).
- (2) Sub-Section (3) of Section 5 and Section 9 of the Bombay Cinemas (Regulation) Act, 1953 (Bombay Act XVII of 1953).
- (3) Sub-Section (4) of Section 5 and Section 9 of the Saurashtra Cinemas (Regulation) Act, 1953 (Saurashtra Act XVII of 1953).

THE SECOND SCHEDULE

S. No.	Title of the film	Length 35 mm	Name of the Applicant	Name of the Producer	Whether a Scientific film or a film intended for educational purposes or a film dealing with news & current events or a documentary film.
1	2	3	4	5	6
1	Mahitichitra No. 106	268.22 M	Director of Information, Government of Gujarat, Ahmedabad-15.		Film dealing with news and current events (For release in Gujarat Circuit only).
2	Gujarat-Ma-Patel Kuwa	301.75 M	-Do-		Film intended for educational purposes (For release in Gujarat circuit only).

[No. F. 24/1/69-FP App.1349]

New Delhi, the 7th May 1969

S.O. 1866.—In pursuance of the directions issued under the provisions of the enactments specified in the First Schedule annexed hereto the Central Government after considering the recommendations of the Film Advisory Board, Bombay hereby approves the films specified in column 2 of the Second Schedule annexed hereto in all its language versions to be of the description specified against it in column 6 of the said Second Schedule.

THE FIRST SCHEDULE

- (1) Sub-Section (4) of the Section 12 and Section 16 of the Cinematograph Act, 1952 (Central Act XXXVII of 1952).
- (2) Sub-Section (3) of Section 5 and Section 9 of the Bombay Cinemas (Regulation) Act, 1953 (Bombay Act XI of 1953).

THE SECOND SCHEDULE

S. No.	Title of the film	Length 35 mm	Name of the applicant	Name of the Producer	Whether a Scientific film or a film intended for educational purposes or a film dealing with news & current events or a documentary film.
1	2	3	4	5	6
1	Maharashtra, News No. 203 (Marathi & Hindi)	300.00 M	Directorate of Publicity, Govt. of Maharashtra, Film Centre, 68- Tardeo Road, Bombay-34.		Film dealing news and Current events (For release in Maharashtra Circuit only).

[No. F. 24/1/69-FP App. 1351.]

BANU RAM AGGARWAL, Under Secy.

आदेश

नई दिल्ली, 30 अप्रैल, 1969

एम० ओ० 1867:—इसके साथ लगी प्रथम अनुसूची में निर्धारित प्रत्येक अधिनियम के उपबन्ध के अन्तर्गत जारी किये गये निर्देशों के अनुसार, केन्द्रीय सरकार, फिल्म गलाहकार बोर्ड, बम्बई की सिफारिशों पर विचार करने के बाद, एनद्वारा इसके साथ लगी द्वितीय अनुसूची के कालम 2 में दी गई फिल्म को उसके मराठी भाषा का कपात्तर सहित जिसका विवरण उक्त सामने उक्त द्वितीय अनुसूची के कालम 6 में दिया हुआ है, स्वीकृत करती है।

प्रथम अनुसूची

- (1) चलचित्र अधिनियम, 1952 (1952 का 37 वां राष्ट्रीय अधिनियम) की धारा 12 की उपधारा (1) तथा धारा 16।
- (2) बम्बई सिनेमा (विनियम) अधिनियम 1953 (1953 का 11 वां बम्बई अधिनियम) की धारा 5 की उपधारा (3) तथा धारा 9।

द्वितीय अनुसूची

क्रम संख्या	फिल्म का नाम	लम्बाई 25 मि० मी०	आवेदक का नाम	निर्माता का नाम	क्या वैज्ञानिक फिल्म है या शिक्षा सम्बन्धी फिल्म है या समाचार और सामयिक घटनाओं की फिल्म है या डाकुमेंट्री फिल्म है।
(1)	(2)	(3)	(4)	(5)	(6)
(1)	रा. प्रसन्नता (मराठी)	10, 1 मी०	रा. प्रसन्नता, तुलना तक, रा. प्रसन्नता, प्रहसनात्मक	रा. प्रसन्नता, तुलना तक, रा. प्रसन्नता, प्रहसनात्मक	यह है शिक्षा (रा. प्रसन्नता, तुलना तक, रा. प्रसन्नता, प्रहसनात्मक में स्वीकृत लिये)

एम० फ० 1 69-एफ० सी परिशिष्ट 1348.

एस० ओ० 1868:—इसके साथ लगी प्रथम अनुसूची में निर्धारित प्रत्येक अधिनियम के उपबन्ध के अन्तर्गत जारी किये गये निर्देशों के अनुसार, केन्द्रीय सरकार, फिल्म गलाहकार बोर्ड, बम्बई की सिफारिशों पर विचार करने के बाद, एनद्वारा इसके साथ लगी द्वितीय अनुसूची के

कालम 2 में दी गई फिल्मों की उनके गुजराती भाषा रूपान्तरों सहित, जिनका विवरण प्रत्येक के सामने उक्त द्वितीय अनुसूची के कालम 6 में दिया हुआ है, स्वीकृत करती है :—

प्रथम अनुसूची

- (1) चलचित्र अधिनियम, 1952 (1952 का 37 वां केन्द्रीय अधिनियम) की धारा 12 की उपधारा (4) तथा धारा 16।
- (2) बम्बई सिनेमा (विनियम) अधिनियम 1953 (1953 का 17 वां बम्बई अधिनियम) का धारा 5 की उपधारा (3) तथा धारा 9।
- (3) सौराष्ट्र सिनेमा (विनियम) अधिनियम 1953 (1953 का 17 वां सौराष्ट्र अधिनियम) की धारा 5 की उपधारा (4) तथा धारा 9।

द्वितीय अनुसूची

क्रम संख्या	फिल्म का नाम	फिल्म की लम्बाई 35 मि० मी०	आवेदक का नाम	निर्माता का नाम	क्या वैज्ञानिक शिक्षा सम्बन्धी फिल्म है या समाचार और सामयिक घटनाओं की फिल्म है या डाकुमैन्ट्री फिल्म है।
(1)	(2)	(3)	(4)	(5)	(6)
(1)	महोत्तिचित्रा संख्या 106	268 22 मीटर	सूचना निदेशक, गुजरात सरकार सचिवालय, अहमदाबाद-15।		समाचार और सामयिक घटनाओं की फिल्म (केवल गुजरात सर्किट के लिये)
(2)	गुजरात-मा-पटेल कुमा	301 75 मीटर	तद्वैव		शिक्षा सम्बन्धी फिल्म (केवल गुजरात सर्किट के लिये)

[सं० फ० 24/1/69—एफ० पी० परिशिष्ट 1349.]

नई दिल्ली, 7 मई, 1969

एस० ओ० 1869:—इसके साथ लगे प्रथम अनुसूची में निर्धारित प्रत्येक अधिनियम के उपबन्ध के अन्तर्गत जारी किये गये निदेशों के अनुसार, केन्द्रीय सरकार, फिल्म सलाहकार बोर्ड, बम्बई की सिफारिशों पर विचार करने के बाद, एतद्वारा, इसके साथ लगी द्वितीय अनुसूची के

कालम 2 में दी फिल्म को उसके सभी भाषाओं के रूपान्तरों सहित जिनका विवरण उसके सामने उक्त सूची के कालम 6 में दिया हुआ है स्वीकृत करती है।

प्रथम अनुसूची

- (1) चलचित्र अधिनियम, 1952 (1952 का 37 वां केन्द्रीय अधिनियम) की धारा 12 की उपधारा (4) तथा धारा 16।
- (2) बम्बई सिनेमा (विनियम) अधिनियम 1953 (1953 का 11 वां बम्बई अधिनियम की धारा 5 की उपधारा (3), तथा धारा 9।

द्वितीय अनुसूची

क्रम संख्या	फिल्म का नाम	लम्बाई 35 मी० मी०	आवेदक का नाम	निर्माता का नाम	यया वैज्ञानिक फिल्म है या शिक्षा सम्बन्धी फिल्म है या समाचार और सामयिक घटनाओं की फिल्म है या डाकुमैन्ट्री फिल्म है।
(1)	(2)	(3)	(4)	(5)	(6)
(1)	महाराष्ट्र समाचार संख्या 203	300.00 मीटर	प्रचार निदेशक, महाराष्ट्र सरकार, फिल्म सेंटर, 68-तारदेव, रोड, बम्बई-34	समाचार और सामयिक घटना- ओं की फिल्म (केवल महा-राष्ट्र सर्किट के लिए)	

[सं० फ० 24/1/69-एफ०पी० परिशिष्ट 1351.]

बानू राम अग्रवाल, अवसर सचिव।

MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION

(Department of Labour and Employment)

New Delhi, the 1st May 1969

S.O. 1870.—In exercise of the powers conferred by sub-section (1) of section 27 of the Payment of Bonus Act, 1965 (21 of 1965), and in supersession of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 1491, dated the 15th April 1967 as amended from time to time, the Central Government hereby appoints the officers specified in column (1) of the Table below, to be Inspec-

tors for the purposes of the said Act within the limits specified in the corresponding entries in column (2) thereof:

TABLE

Officers		Limits
I		2
I.	<ol style="list-style-type: none"> 1. Chief Labour Commissioner (Central), New Delhi 2. Deputy Chief Labour Commissioners (Central), New Delhi. 3. Director, Indian Institute of Labour Studies, New Delhi. 4. Regional Labour Commissioners (Central), New Delhi. 5. Deputy Directors, Indian Institute of Labour Studies, New Delhi. 6. Welfare Adviser to the Chief Labour Commissioner (Central), New Delhi. 7. Assistant Labour Commissioners (Central), New Delhi. 8. Assistant Directors, Indian Institute of Labour Studies, New Delhi. 9. Labour Enforcement Officers, (Central), New Delhi. 	Whole of India except the State of Jammu and Kashmir.
II.	<ol style="list-style-type: none"> 1. Regional Labour Commissioner (Central), Bombay. 2. All Assistant Labour Commissioners (Central) in the Bombay Region. 3. All Labour Enforcement Officers, (Central) in the Bombay Region. 	The State of Maharashtra and the Union Territory of Goa, Daman and Diu.
III.	<ol style="list-style-type: none"> 1. Regional Labour Commissioner (Central), Calcutta. 2. All Assistant Labour Commissioners (Central) in the Calcutta Region. 3. All Labour Enforcement Officers (Central) in the Calcutta Region. 	The States of West Bengal (excluding the Districts of Burdwan, Birbhum, Bankura and Purulia), Assam and Nagaland and the Union Territories of Manipur and Tripura.
IV.	<ol style="list-style-type: none"> 1. Regional Labour Commissioner (Central), Madras 2. All Assistant Labour Commissioners (Central) in the Madras Region. 3. All Labour Enforcement Officers (Central) in the Madras Region. 	The States of Tamil Nadu and Kerala and the Union Territory of Pondicherry.
V.	<ol style="list-style-type: none"> 1. Regional Labour Commissioner (Central), Jabalpur 2. All Assistant Labour Commissioners (Central) in the Jabalpur Region. 3. All Labour Enforcement Officers (Central) in the Jabalpur Region. 4. All Junior Labour Inspectors (Central) in the Jabalpur Region 	The State of Madhya Pradesh.
VI.	<ol style="list-style-type: none"> 1. Regional Labour Commissioner (Central), Kanpur. 2. All Assistant Labour Commissioners (Central) in the Kanpur Region. 3. All Labour Enforcement Officers (Central) in the Kanpur Region. 4. All Junior Labour Inspectors (Central) in the Kanpur Region. 	The States of Uttar Pradesh, Punjab and Haryana and the Union Territories of Delhi, Himachal Pradesh and Chandigarh.

	I	2
VII.	<ol style="list-style-type: none"> 1. Regional Labour Commissioner (Central), Dhanbad. 2. All Assistant Labour Commissioners (Central) in the Dhanbad Region. 3. All Labour Enforcement Officers (Central) in the Dhanbad Region. 4. All Junior Labour Inspectors (Central) in the Dhanbad Region. 	The State of Bihar excluding Singhbhum District.
VIII.	<ol style="list-style-type: none"> 1. Regional Labour Commissioner (Central), Hyderabad. 2. All Assistant Labour Commissioners (Central), in the Hyderabad Region. 3. All Labour Enforcement Officers (Central) in the Hyderabad Region. 4. All Junior Labour Inspectors (Central) in the Hyderabad Region. 	The States of Mysore and Andhra Pradesh.
IX.	<ol style="list-style-type: none"> 1. Regional Labour Commissioner (Central), Ajmer 2. All Assistant Labour Commissioners (Central), in the Ajmer Region. 3. All Labour Enforcement Officers (Central) in the Ajmer Region. 	The States of Rajasthan and Gujarat.
X.	<ol style="list-style-type: none"> 1. Regional Labour Commissioner (Central), Asansol 2. All Assistant Labour Commissioners (Central) in the Asansol Region. 3. All Labour Enforcement Officers (Central) in the Asansol Region. 4. All Junior Labour Inspectors (Central) in the Asansol Region. 	The Districts of Burdwan, Birbhum, Bankura and Purulia in the State of West Bengal.
XI.	<ol style="list-style-type: none"> 1. Regional Labour Commissioner (Central), Bhubaneswar. 2. All Assistant Labour Commissioners (Central), in the Bhubaneswar Region. 3. All Labour Enforcement Officers (Central) in the Bhubaneswar Region. 	The State of Orissa and Singhbhum District of Bihar.

[No. WB-20(8)/67.]

HANS RAJ CHHABRA, Under Secy.

(Department of Labour and Employment)

New Delhi, the 1st May 1969

S.O. 1871.—In exercise of the powers conferred by sub-section (1) of section 5 of the Mines Act, 1952, (35 of 1952), the Central Government hereby appoints Sarvashri Prabhakar Bhagirath Pawar and Someswar Gon as Inspectors of Mines subordinate to the Chief Inspector of Mines

[No. 8/114/67-MI.]

CORRIGENDUM

New Delhi, the 12th May 1969

S.O. 1872.—In the Table appended to the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department

of Labour and Employment) No. S.O. 1029, dated the 6th March, 1969, published in the Gazette of India, Part II, Section 3, Sub-section (ii) at page 1034,—

- (i) in column I, for "Mysore" read "Board of Technical Examination, Mysore";
- (ii) in column II, for "Mine Surveying" read "Diploma in Mining and Mine Surveying."

[No. 17/1/69-M-I.]

J. D. TEWARI, Under Secy.

(Department of Labour and Employment)

New Delhi, the 7th May 1969

S.O. 1873.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 3), Dhanbad, in the industrial dispute between the employers in relation to the Khas Nirsha Colliery, Post Office Nirshachatti (District Dhanbad) and their workmen, which was received by the Central Government on the 23rd April, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 3) AT DHANBAD

REFERENCE NO. 104 OF 1968

PRESENT:

Shri Sachidanand Sinha, M.A., M.L., Presiding Officer.

PARTIES:

Employers in relation to Khas Nirsha Colliery

Vs.

Their workmen.

APPEARANCES:

For employers—Shri B. K. P. Sharma, Asstt. Manager.

For workman—Shri K. K. Mukherjee, General Secretary, N.T.C.F. & Workshop Union.

INDUSTRY: Coal.

STATE: Bihar.

Dhanbad, Dated the 11th of April, 1969

AWARD

1. The Central Government by its order No. 2/132/68-LRII dated the 3rd October, 1968, referred to this tribunal for adjudication an industrial dispute under section 10(1)(d) of the Industrial Disputes Act, 1947 existing between the employers in relation to the Khas Nirsha Colliery, Post Office Nirshachatti (District Dhanbad) and their workmen in respect of the matters specified in the following schedule.

SCHEDULE

"Whether the claim of the workman, Shri B. B. Sar, Electric Supervisor of Khas Nirsha Colliery for 'A' Grade Scale of pay as recommended by the Central Wage Board for Coal Industry is justified? If so, to what relief is he entitled?"

2. The General Secretary, Nirsha Thana Coalfield and workshop workers' union filed the written statement on behalf of the workman on 30th October, 1968. Their case is that the concerned workman Sri B. B. Sar is a member of the Nirsha Thana Coalfield and Workshop Worker's Union which is a recognised union.

3. Sri B. B. Sar was appointed in the capacity of an electrical supervisor at the Khas Nirsha Colliery on the 1st July, 1955 and since then he is continuing in employment. No prescribed grade and scale was fixed for the Electrical Supervisor working in the coal mines in the Mazumdar Award Labour Appellate Award and Dasgupta Award. Therefore, the wages of the electrical supervisors used to be fixed mutually between the employer and employees. The Central

Wage Board for the Coal Mining Industry prescribed the scale of pay of electrical supervisor and placed him in Grade A with new consolidated basic scale of pay Rs. 405—20—605—25—730 which is mentioned in the report of the Central Wage Board's Award Volume-1, page 79. The management of M/s Mohatta Bros. Owners, Khas Nirsha colliery have fully implemented the Central Wage Board Recommendation for the coal mining industry. The management had however denied to give the scale of pay Rs. 405—20—605—25—730 to the concerned workman Sri B. B. Sar. According to the union the Khas Nirsha Colliery is running very smoothly with inclines and open cast workings. The present output is above 5,000 tonne per month and that the colliery is well mechanised fitted with up-to-date machineries. The workman is therefore, entitled to be awarded the prescribed grade and scale of pay as per the Central Wage Board for the coal mining industry.

4. The employers have filed the written statement on 26th November, 1968. According to the management Sri B. B. Sar was appointed on 1st July 1955. Prior to the Wage Board Recommendation Sri B. B. Sar was paid Rs. 165 as his basic wage. During that time no grade of scale of pay was prescribed for the electrical supervisor by Mazumdar Award or the decision of the L.A.T. After the implementation of the Wage Board Recommendation, in view of the long period of service rendered by the concerned workman Sri B. B. Sar, the management granted him an increment of Rs. 50 in his total emoluments.

5. The case of the management is that the Khas Nirsha Colliery is a small establishment producing about 3,500 tonnes of Coal per month and that nearly 2,000 tonnes out of the total raising per month are raised from open cast mine. Nirsha Colliery is not well-mechanised colliery. About 2/3 of its production is obtained from opencast mine. There is no increase in the mechanisation calling for any high degree of skill and according to them there cannot be any justification for an electrical supervisor working the colliery to demand the new consolidated basic scale of pay recommended by the Wage Board and that the Khas Nirsha Colliery cannot be compared with other well mechanised big colliery for the purpose of scale of pay of the engineering department personnel. Therefore, according to the management the claim of Sri B. B. Sar for A grade of pay scale for coal mining industry is not justified.

6. On behalf of the workman Sri B. B. Sar, the concerned workman has been examined and is WW-1 and two items of documents are marked on behalf of the union and they are Ext. W-1 and W-2. On behalf of the management one witness was examined and he is Sri S. Sen, the manager of the colliery (MW-1) and no paper has been filed on behalf of the management.

7. The point for consideration is whether the claim of the workman Sri B. B. Sar 'A' grade scale of pay as recommended by the Central Wage Board for coal mining industry is justified.

8. Ext. W-2 is the appointment letter showing that Sri B. B. Sar was appointed as electrical supervisor by the Khas Nirsha Colliery on 1st July 1955. The union has also filed Ext. W-1 (form of appointment of competent person) showing that Sri B. B. Sar was appointed as engineer under regulation 39 of the Coal Mines Regulation. Sri S. Sen, the manager of the colliery (MW-1) has stated in his evidence that the Khas Nirsha Colliery has implemented the recommendation of the Central Wage Board for coal mining industry. WW-1 Sri B. B. Sar, the concerned workman has stated in his evidence that before the implementation of the Wage Board he was getting a fixed basic pay of Rs. 165. At that time he was not put in any grade as previously there was no grade for electrical supervisor in either Mazumdar Award or Dasgupta Award or L.A.T. decision. He admitted in his evidence that after the implementation of the Wage Board Recommendation by the Khas Nirsha Colliery his basic pay was increased from Rs. 165 to Rs. 337. Subsequently he got an increment of Rs. 15 and that at present his basic pay is Rs. 352. The Central Wage Board for the coal mining industry volume 1, page 79 has fixed the scale of pay of engineering department and the post of electrical supervisor has been placed in grade 'A' with consolidated basic scale of pay of Rs. 405—20—605—25—730. The concerned workman Sri B. B. Sar's claim is that he should be placed in the aforesaid 'A' grade as recommended by the Central Wage Board for the mining industry. The case of the union is that the management had implemented the recommendations of the Wage Board for coal mining industry in respect of the employees and that there is no reason as to why the management should not implement the recommendation of the Wage Board in respect to the concerned workman. The workman therefore, has demanded grade 'A' as recommended by the Wage Board.

9. According to the management Khas Nirsha Colliery is a small establishment producing about 3,500 tonne per month out of which nearly 2,000 tonnes are raised from open cast mine and that the electrical supervisor working in this colliery need not possess high degree or technical knowledge. Therefore, according to the management the demanded scale would not be applicable in the case of Sri B. B. Sar. According to the management there has not been any appreciable change in the volume of work and no new machineries have been set up. On these grounds they have refused to apply the demanded grade to the concerned workman. MW-1 Sri S. Sen has admitted in his evidence that in his colliery there are 5 electric pumps, one steam haulage engine, one boiler and one ventilation fan. He further stated that it is statutory obligation to keep qualified electrical supervisor in a mine where electrical machineries are used and that without electrical supervisor machine cannot run and that under the law the management has to keep one electrical supervisor without reference to the number of machineries.

10. The Wage Board for coal mining industry has prescribed the specific scale for electrical supervisor and has placed him in grade A with consolidated basic scale of pay of Rs. 405—20—605—25—730. The concerned workman Sri B. B. Sar is an electrical supervisor working in the colliery since the year 1955. The concerned workman is equally eligible for being placed in grade A with consolidated basic scale of pay of Rs. 405—20—605—25—730. The stand taken by the management is that since it is not a highly mechanised colliery the workman is not entitled to get the demanded scale does not appear to me to be plausible. The Central Wage Board for coal mining industry has specifically prescribed the scale of pay of electrical supervisor. The Khas Nirsha colliery has admittedly implemented the Wage Board Recommendation. There is therefore, no ground as to why the management has refused to implement the recommendation in respect to the concerned workman when it has implemented the recommendation of the Wage Board in respect to the remaining workmen. The Scale of pay of electrical supervisor has been prescribed by the Central Wage Board after due consideration. There is no reason as to why the same should not be accepted. There is also no reason as to why the management has refused to implement in the case of the workman. The claim of the workman to put in grade 'A' with consolidated basic scale of pay of Rs. 405—20—605—25—730 appears to be justified.

11. The management is therefore, directed to place the concerned workman Sri B. B. Sar in grade 'A' with consolidated basic scale of pay of Rs. 405—20—605—25—730 from the date of which the Wage Board Recommendations were implemented in the case of other employees of Khas Nirsha Colliery.

12. This is my award. It may be submitted to the Central Government under section 15 of the Industrial Disputes Act, 1947.

(Sd.) SACHIDANAND SINHA
Presiding Officer.

[No. 2/132/68-LRII.]

S.O. 1874.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta in the industrial dispute between the employers in relation to the management of Messrs Dhemomoin Collieries and Industries Limited, 2-Brabourne Road, Calcutta 1, and their workmen. It was received by the Central Government on the 23rd April, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE NO. 56 OF 1968

PARTIES.

Employers in relation to the management of Messrs Dhemomoin Collieries and Industries Limited.

AND

Their workmen.

PRESENT:

Shri B. N. Banerjee, Presiding Officer.

APPEARANCES:

On behalf of Employers.—Mr. S K. Roy Chowdhury, Bar-at-Law.

On behalf of Workmen.—Mr. D. L. Sen Gupta, Advocate.

STATE: West Bengal.

INDUSTRY: Coal Mines.

AWARD

By Order No. 6/116/68-LRII dated November 26, 1968, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred the following industrial dispute between the employers in relation to the management of Messrs Dhemomain Collieries Limited and their workmen, to this tribunal, for adjudication, namely:

"1. Whether the management of Messrs Dhemomain Collieries and Industries Limited, 2-Brabourne Road, Calcutta was justified in closing down the Dhemomain Colliery with effect from the 22nd October, 1968? If not, to what relief are the workmen employed therein before closure, entitled?

2. If the closure is justified, to what rate of compensation are the said workmen entitled under the provisions of the Industrial Disputes Act, 1947."

2. I need state at the outset that the reference is not very happily worded. The law is now well settled that if a business has, in fact, been closed, as industrial tribunal is not concerned to go into the question as to the motive of closure and to come to the conclusion that because of the previous history of the dispute between the employers and the employees, the closure was not justified. Such a closure cannot give rise to an industrial dispute. In the instant case, the reference pre-supposes that there has been a closure; that being so, it is useless to go into the question of justification or otherwise of such a closure, because a finding on such question will not accommodate an industrial dispute.

3. Mr. S. K. Roy Chowdhury, learned counsel for the employer company, very strongly contended that I should throw out the reference *ad limine* as an ill-conceived reference. He invited my attention to the following passage from the latest Supreme Court judgment on the point, namely in *Indian Hume Pipe Company Limited and Their workmen* (1969) 1 LLJ 242 in which G. K. Mitter, J. observed;

"In our opinion, it was not open to the tribunal to go into the question as to the motive of the appellant in closing down its factory at Barakar and to enquire whether it was *bona fide* or *mala fide* with some oblique purpose, namely, to punish the workmen for the union activities in fighting the appellant. It has been laid down by the Court in a series of decisions that it is not for industrial tribunals to enquire into the motive to find out whether the closure is justified or not."

Their Lordships then referred to *Pipraich Sugar Mills Ltd. v. Pipraich Sugar Mills Mazdoor Union* (1957) 1 LLJ 235, *Tea Districts Labour Association, Calcutta v. ex-employees of Tea Districts Labour Association and another* (1960) 1 LLJ 802, *Hathisingh Manufacturing Company Ltd. and other v. Union of India and others* (1960) II LLJ 1, *Express Newspapers Ltd. v. their workers and staff and others* (1962) II LLJ 227 and *Andhra Prabha Ltd. and others v. Madras Union of Journalists and others* (1968) 1 LLJ 15. On examination of the aforesaid authorities, their Lordships expressed the view;

"In view of these decisions our conclusion is that once the tribunal finds that an employer has closed its factory as a matter of fact it is not concerned to go into the question as to the motive which guided him and to come to a conclusion that because of the previous history of the dispute between the employer and the employees the closure was not justified. Such a closure cannot give rise to an industrial dispute."

4. Mr D. L. Sen Gupta, learned Advocate appearing for the Colliery Mazdoor Sabha representing the workmen, earnestly asked me not to make too much of the language of the order of reference. He relied on the following passage from the judgment delivered by Gajendragadkar, J. (as he then was) in *Express Newspaper Ltd. and Their workers and staff and others* (1962) II LLJ 227 at 234:

"An order of reference hastily drawn or drawn in a casual manner often gives rise to unnecessary disputes and thereby prolongs the life of industrial adjudication which must always be avoided. Even so, when the question of this kind is raised before the Courts, the Courts must attempt to construe the reference not too technically or in a pedantic manner, but fairly and reasonably."

Mr. Sen Gupta, therefore, asked me to go to the pleadings and be assured of the real nature of the dispute. That it is permissible to look to the pleadings in order to find out the exact nature of a dispute is well known. In *Delhi Cloth and General Mills Company Ltd. and their workmen* (1967) 1 LLJ 423, G. K. Mitter, J, observed:

"In our opinion, the tribunal must, in any event, look to the pleadings of the parties to find out the exact nature of the dispute, because in most cases the order of reference is so cryptic that it is impossible to cull out therefrom the various points about which the parties were at variance leading to the trouble. In this case, the order of reference was based on the report of the conciliation officer and it was certainly open to the management to show that the dispute which had been referred was not an industrial dispute at all so as to attract jurisdiction under the Industrial Disputes Act. But the parties cannot be allowed to go a stage further and contend that the foundation of the dispute mentioned in the order of reference was non-existent and that the true dispute was something else. Under S. 10(4) of the Act it is not competent to the tribunal to entertain such a question." (Underlined by me for emphasis).

Mr. Sen Gupta contended that it was not his intention to contend that the true dispute between the parties was something else than what was stated in the order of reference. All that he wanted to show was the real meaning of the dispute, namely, whether there was a closure or a lockout in the garb of closure. Only in that way he contended the reference would become meaningful and question of justification of the closure would become justiciable before the tribunal.

5. Now, theoretically the distinction between closure and lockout is well settled. In the case of a closure, the employer does not merely close down the place of business but he closes the business itself; thus closure indicates the final and irrevocable termination of the business itself. Lockout, on the other hand, indicates the closure of the place of business and not the closure of the business itself. It was pointed out by Gajendragadkar, J (as he then was) in *Express Newspaper v. their workers* (1962) 11 LLJ 227 at 232 :

"Experience of industrial tribunals shows that the lockout is often used by the employer as a weapon in his armoury to compel the employees to accept his proposals just as a strike is a weapon in the armoury of the employees to compel the employer to accept their demands. Though the distinction between the two concepts is thus clear in theory, in actual practice it is not always easy to decide whether the act of closure really amounts to a closure properly so called, or whether it is a disguise for a lockout. In dealing with this question, industrial adjudication has to take into account several relevant facts and these facts may be proved before the industrial tribunal either by oral evidence or by documentary evidence and by evidence of conduct and circumstances. Whenever a serious dispute arises between an employer and his employees in regard to a closure which the employees allege is a lockout, the enquiry which follows is likely to be long and elaborate and the ultimate decision has always to depend on a careful examination of the whole of the relevant evidence."

Mr. Sen Gupta contended that the pleading would amply show what the dispute was, whether it was a closure or a lockout, and this tribunal should go into the evidence. In order to test this argument of Mr. Sen Gupta it is necessary for me to examine the pleadings.

6. In the written statement filed on behalf of the workmen by the Colliery Mazdoor Sabha, the first few paragraphs tabulated a number of labour agitations in the colliery. In paragraphs 5, 6, 7 and 8 of the written Statement it was stated:

"3. That naturally the Company did not take with grace any of the aforesaid agitations of the workmen, however genuine they might be, and was out to demoralise the workmen and crush the union, if possible, as a long term business proposition.

6. That as a means to achieve the aforesaid end, the company suddenly, and in a clandestine and mala fide manner stopped working the mine with effect from 22nd October 1968, pretending a closure. This was wholly unjustified, mala fide, arbitrary, illegal and capricious.

7. That the workmen were taken by surprise at the company's action; the telegram and letter of the Company dated 21st October 1968 in this

regard** contain excuses having no merit at all, they are all specifically denied, and the union puts the Company to a strict proof of its case.

8. That the terms 'unjustified disputes raised' in the first paragraph of annexure 'B', clearly indicate the anti-union, vindictive and mala fide attitude of the Company behind the alleged closure, which was nothing but an illegal and mala fide 'lockout' in the garb of closure to compel the workmen to give up their lawful rights and claims and agree to any unfair terms of the company. The Union denies the allegation and insinuations and maintains that every grievance of the workmen was genuine and each and every dispute was justified."

In paragraph 12 of the written statement, however, there was an alternative case pleaded to the following effect:

- 12 That in any event (a) there was no closure in fact or law and the plea was entirely false. The business remains and only the cutting of coal is stopped with the motive and for the reasons, as aforesaid; (b) the closure, if at all, was 'apricious and mala fide and could not be said to be for reasons beyond control."

In the written statement filed on behalf of the management it was stated in paragraph 8(iv) that the "agitation was whipped up for protection of the vested interest of the Union members and the supervisory staff who defected from previous Union and joined hands with this Union". In paragraphs 8(v) of the written statement the allegations in paragraph 6 of the written statement of the workmen were denied excepting for the date of closure. In paragraphs 8(vi), 8(vii) and 8(viii) of the written statement filed by the management, it was stated:

- "8(vi) The Management denies the statement and allegation made in para 7 of the written statement and states that the closure was forced upon the management due to financial losses, rank indiscipline of the workers, vortex of party politics undermining of the morals of the managerial staff and inability of the management to lay their hands on further funds to carry on the undertaking as a combined result of the said set of circumstances. A true copy of notice of closure is filed herewith and it will speak for itself
- (vii) That the statements and allegations made in para 8 and 9 of the written statement are not true and denied. The records of reports made to the police and cases filed would show how the managerial staff was demoralised by the coercive and illegal actions of the Union. True copies of the said record are filed herewith and collectively marked Annexure.**"
- (ix) That the management denies the statements and allegations made in para 12 of the written statement and states that the closure was made in fact and in law and due to circumstances beyond the control of the management."

7. Mr. S. K. Roy Choudhury, learned counsel for the employer company, contended that the written statement filed on behalf of the workmen contained clearest admission about the closure of the mining business of the employer company. In this argument Mr. Roy Choudhury, however, is not wholly right. The written statement filed on behalf of the workmen may not be precise and concise but there is nevertheless an alternative case pleaded in paragraph 12 of the written statement which does not indicate closure of the business but closure of the mining operation only. This being the position on the pleadings, I let in oral evidence in order to be assured of the real position. Kalyan Sankar Roy, Vice President of the Colliery Mazdoor Sabha, deposed on behalf of the workmen. In his examination-in-chief he stated:

- "The colliery has not been closed. . . When we found that the machinery were in tact and were not being sold, when we found that the officers including the technical staff were not discharged but were being paid their salaries, we thought that it was not a case of closure but of lockout."

This statement made in the examination-in-chief was, however, modified to this extent in answer to a question put by the Tribunal:

- "It is true that the machinery may not be sold immediately after closure, for want of ready buyer. Therefore, failure to sell the machinery was not indicative of anything contrary to closure. It is necessary to keep some of the lower technical staff to continue supervision of the mine

after closure. But it is not necessary to keep higher officers, for example, the agent, Manager or the Labour officer

In course of his cross-examination he stated:

"I can certainly contradict you if you suggest that Dhemomain colliery has completely closed down its business with effect from October 22, 1968. I say this because the company is maintaining all the top officials, the manager, the agent and the labour officer and others and is also trying to sell the coal to consumers."

In answer to a question put by the tribunal he further stated:

"The stage is set in such a manner that the company can resume business any moment they like."

Towards the close of his cross-examination, however, he stated:

"I deny your suggestion that there has been a closure. I repeat that what has taken place is a mere lockout. I do not know whether after October 22, 1968, any coal has at all been sold."

8. This is the entirety of the evidence in favour of the theory of lockout. If I analyse this evidence, three things appear. The idea that there was no closure but a mere lockout was deduced from three circumstances:

- (a) Machinery were in tact and were not being sold.
- (b) Officers including technical staff were not discharged but were being paid their salaries.
- (c) Coal was being sold to consumer.

The witness himself admitted that machinery may not be sold immediately after the closure. He also admitted that some of the lower technical staff may be maintained to continue supervision of the mines after closure but not the higher officials. Lastly, he admitted that he was not aware whether any coal was sold after 22nd October, 1968. Thus, excepting the fact that some top officials were being maintained, the witness is left with nothing more to establish his theory of lockout.

9. Now, it is not necessary for me to doubt that the mine is not working. That is the common case. The mining business is stopped. Nobody wanted me to call the Chief Inspector of Mines or any other officer from the Mining Department or independent evidence on this point. As a matter of fact, both the parties stated before me that such evidence would be unnecessary in the present context. The only question for my consideration is whether it is a lockout or closure. I have examined the evidence and I find that the story of lockout is based on very slender evidence. Dhemomain Collieries and Industries Limited as a company has not been liquidated and is not going to be shortly liquidated, as was stated by R. L. Chhawchharia, the agent of Dhemomain colliery. The colliery business of the company has only been closed. That may not necessarily require discharge of the top officials because the company may switch over to other business and there the services of these top officials may be necessary. I am not, therefore, satisfied, on the evidence, that the coal mining business of the company has not been closed but there has merely been a lockout of the place of business.

10. On behalf of the employer company the following two documents were exhibited. One was a notice of closure (Ext. 1), which reads as follows:

"Our workmen are fully aware that the Colliery has been working on un-economic level for quite sometime and whenever attempts were made to resort to economic steps they were frustrated by unjustified disputes raised, violent agitation, slow down, concerted acts of sabotage taken, rank indiscipline etc. without caring to assess the same on merits and the ultimate good they were intended to serve to keep the colliery going.

They are also aware that the additional burden in the shape of Wage Board Award imposed upon its already sagging economy and Exhaustion of the Dishergarh Seam resulting in contraction of scope of readily saleable coal, have further aggravated the situation. The Management has strained its financial resources to the maximum and explored all avenues to keep the mine working as viable unit and in doing so it has been subjected to huge financial loss. There is also no prospect in the foreseeable future for this mine to be on level

keel nor the Management has further financial resources to take further chance over it.

The Management regret that on account of the aforesaid unavoidable circumstances beyond the control of the Management, the mine will be closed down with effect from 22nd October, 1968 and the services of all workmen on the rolls of the mine will stand terminated by reason of the closure of the mine with effect from the said date of closure.

The workmen, on the rolls of the Works on the date of the closure of the Works, as above, who are eligible, for retrenchment compensation, shall be entitled to, and paid compensation as per Provision to sub-section (1) of section 25 FFF of the Industrial Disputes Act, 1947, together with one month's notice pay in lieu of notice and their respective other dues."

The other was a telegram sent to the Colliery Mazdoor Union about the closure (Ext. 2) which reads as follows:—

"MANAGEMENT COMPELLED TO CLOSE COLLIERY DUE TO UN-AVOIDABLE CIRCUMSTANCES WITH EFFECT FROM TWENTY SECOND OCTOBER SIXTYEIGHT STOP LETTER FOLLOW.
AGENT

DHEMOMAIN COLLIERY"

I am not sure whether all that is stated in the notice, Ex. 1, are correct. The books of accounts of the company were not exhibited. I am, however, prepared to proceed on the theory that the closure was *mala fide*. But even if I do so, the factum of closure will not give rise to any industrial dispute.

11. That being the position I answer item 1 of the Schedule in the following manner:

The closing down of Dhemomain Colliery by Dhemomain Collieries & Industries Limited with effect from 22nd October, 1968 is a fact. It being always within the competence of the management to close down a business, the question of justification of closure does not come up for consideration by any Industrial Tribunal.

In the absence of materials as to justification, I might have been prepared to hold that the closure was unjustified but even that will not make any difference. Therefore, whether the closure is justified or unjustified, it does not give rise to any industrial dispute. The workmen are entitled to compensation in accordance with Sub-section (1) of Section 25 FFF, as offered by the management and no more.

That being my view of the matter, item no. 2 of the Schedule need not be separately answered.

This is my award.

Dated, 17th April, 1969.

(Sd.) B. N. BANERJEE,
Presiding Officer.

[No. 6/116/68-LRII.]

S.O. 1875.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the central Government hereby publishes the following award of Shri R. B. Mazumdar, Arbitrator, in the industrial dispute between the employers in relation to the management of Bhanora Colliery of Messrs. Equitable Company Limited, Post Office Dishergarh, District Burdwan and their workmen, which was received by the Central Government on the 23rd April, 1969.

Arbitration Award of Shri R. B. Mazumdar, Assistant Labour Commissioner (Central), Asansol in the matter of arbitration in the industrial dispute between the management of Bhanora Colliery and their workmen represented by the Colliery Mazdoor (HMS) Asansol under Section 10A of the Industrial Disputes Act, 1947.

(ALC's File No. ALC-1/ARB-2/68)

(Ministry of Labour and Employment File No. 6/122/68-LRII).

PRESENT:—

Shri R. B. Mazumdar, Assistant Labour Commissioner (Central) Asansol,
and
Arbitrator.

Representing Employers.—Shri S. Banerjee, Labour Officer, M/s. Equitable Coal Co. Ltd., P.O. Dishergarh, Dist. Burdwan.

Representing Workmen. Shri Joyanta Poddar, Joint Secretary, Colliery Mazdoor Congress, Bengal Hotel, Asansol.

The Labour Officer, M/s. Equitable Coal Co. Ltd., P.O. Dishergarh, Dist. Burdwan and Joint Secretary, Colliery Mazdoor, Congress (HMS), Asansol arrived at an agreement on 29th November, 1968 and submitted the same in form "C" appended to the Industrial Dispute (Central) Rules, 1958 agreeing voluntarily to refer the following matter in dispute for my arbitration under Section 10A of the I.D. Act, 1947.

"Whether the dismissal of Shri Brihaspat, Wagon Loader by the management of Bhanora Colliery was justified? If not, to what relief is the workman entitled?"

The Arbitration settlement was duly notified by the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) in the official Gazette under Order No. 6/122/68-LRII, dated 28th December, 1968. In the said settlement the parties further agreed that the arbitrator should make his award within a period of six months or within such further time as may be entered by mutual agreement in writing between the parties.

2. At my request the management submitted their comments and the union their written statement. The management subsequently submitted a counter-statement on union's statement endorsing a copy thereof to the union. These set out in details the full facts of the case as well as their contentions. I shall only refer to the essential facts and contentions in so far as these are material for appreciating the issues involved in the dispute.

3. Hearings in the matter were fixed on 7th March 1969, 18th March 1969, 26th March 1969 and finally the parties were heard on 31st March 1969.

4. The union in their written statement dated 14th February 1969 (received on 17 February 1969) had stated amongst other things that Shri Brihaspat, Wagon loader had fallen sick on 23rd May 1966 while on duty at Bhanora Colliery and was under the treatment at the colliery dispensary from 23rd May 1966 to 4th June 1966, that as he was not cured there and not sent to Kalla Hospital (Coalmines Welfare Organisation hospital) he was taken on 6th June 1966 by his relations to some outside medical practitioner for treatment and that after he was cured he came to the colliery for work on 9th July 1966. It was further stated that the sickness from 6th June 1966 of the workman was known to the colliery medical officer, that the management was orally informed as usual about leaving the colliery for better treatment elsewhere, that the management with a view to reducing the surplus labour of the colliery issued a charge-sheet to him on baseless allegations and that the management failed to prove the charge against the workman and that the disposal of the workman on the basis of arbitrary findings of the Enquiry Officer was not only improper but cruel and motivated. It was, therefore, argued that the workman should be reinstated with back wages.

5. The Agent, M/s. Equitable Coal Co. Ltd., in their comments sent to me submitted that Shri Brihaspat, Wagon Loader of Bhanora Colliery was charge-sheeted on 9th July, 1966 for remaining absent continuously since 6th June, 1966 without permission and sufficient cause and that the delinquent had replied to the charge-sheet on 12th July, 1966 and an enquiry was held on 14th July, 1966, which was attended by the delinquent, who was given full opportunity to defend himself. It was further stated in the above cited letter that the delinquent was sick from 23rd May, 1966 to 4th May, 1966 (it should be 4th June, 1966) but he absconded from colliery premises without being declared fit by the colliery Medical Officer, that though the delinquent was treated by an outside medical practitioner he did not mention in his reply to the charge-sheet that he had submitted his medical certificate, that the union's contention contained in their letter No. CMC/JP/76/67, dated 6th May, 1968 addressed to ALC(C), Asansol that the medical certificate produced by the delinquent was not accepted by the management is far from truth and that the delinquent in spite of the chances given to him to cross-examine the management's witness declined to do so and did not produce his witnesses in the enquiry.

6. The management in their counter-statement dated 6th March 1969 (received on 7th March 1969) amongst other things refuted the statement of the union that the workman did not get any relief or was not provided with curative medicines during his treatment in the colliery dispensary and expressed doubts if he was at all treated by a competent doctor outside as the workman failed to produce any medical certificate in support of his continued illness beyond 5th June 1966 and

treatment elsewhere. That the workman had orally informed the management about his absence from 6th June 1966 was also challenged there. It was further stated that the workman did not intimate in writing or mention during the enquiry about this and that the allegation of the union in their written statement that the management had issued charge-sheet with a view to reducing the surplus labour was baseless. It was maintained by the management in their counter-statement that the charge against the workman was proved beyond doubts in a proper enquiry and the dismissal was bonafide and justified on the basis of the findings of the enquiry.

7. During the hearing the management's representative repeated almost what was stated in their written comments and counter-statement and stated that the medical certificate for treatment by outside doctor was not produced at any stage by the workman. In support of their contentions the management also produced the original chargesheet (Ext.1), Enquiry proceedings (Ext. 4) and Enquiry report (Ext. 5), reply to the charge-sheet (Ext. 2), notice of enquiry (Ext. 3), Manager's recommendation for dismissal (Ext. 6), order of dismissal dated 19th August 1963 (Ext. 7), copy of standing order (Ext. 8), and dismissal order dated 22nd August 1966 (Ext. 9). It was also argued during the hearing by the representative of the management that the Medical Certificate (Ext-B) produced by the union before me during hearing was issued on 18th July 1966 declaring the workman fit whereas the enquiry was held on 14th July 1966 and in the reply dated 12th July 1966 to the charge-sheet the workman had stated that he was fit. It was further pointed out by the representative of the management that if the contents of the medical certificate was relied on that the workman was under the treatment of the outside doctor upto 17th July 1966 it is admitted that he was sick even after the enquiry was held on 14th July 1966 and consequently the medical certificate was false and concocted.

8. The affected workman was produced by the union in the hearing and in his examination-in-chief he corroborated what was stated in the written statement by the union and added that when he was asked by the Enquiry Officer to produce the medical certificate he told him that he would produce the same on the next day but he was told by him that it was not needed and that he had approached the management till December, 1966 for his employment after he was dismissed on 22nd August 1966 but when his efforts failed with the management he approached the union i.e., Colliery Mazdoor Congress (HMS). He also stated that during his past 18 years of service in the colliery he was never reprimanded or punished.

9. During the hearing the union representative argued on the lines of his submission in the written statement and added that the management had been approached several times from early 1967 to May, 1967 for providing employment to the workman but the union was finally intimated under letter dated 1st May, 1967 (Ext. B) by the management that their request for taking back the workman to work could not be acceded to and so the union raised a dispute earlier before ALC(C), Asansol. The case however was dropped by the union the parties having agreed to mutually settle the issue. It was further stated by the union representative that efforts to settle the dispute through mutual discussions did not bear any fruit and so the dispute was again raised by the union before the ALC(C), Asansol when the parties during conciliation proceedings agreed voluntarily to refer the dispute for arbitration under Section 10A of the I.D. Act, 1947. It was also contended by the union representative that the absence of the workman in this case did not constitute misconduct as envisaged in order No. 27(16) of the colliery's certified standing order as quoted in the charge-sheet as the workman did not absent from duty but was absent on account of illness. The union representative also pointed out that Shri A. K. Sengupta who conducted the enquiry was not duly authorised by the management for this work and that the colliery medical officer whom the workman was reported to have verbally informed about his intention to leave the colliery for treatment elsewhere was not examined in the enquiry and that the workman was not allowed to produce the medical certificate on the next day and due to these lacuna, according to the union representative the workman cannot be said to have been given reasonable opportunity to defend his case.

10. The workman on being cross-examined by the representative of the management during the hearing admitted that he had gone for treatment elsewhere and did not apply for leave or inform in writing to the management and stated that after he was fit he came back to the colliery on 9th July 1968 to resume work. The representative of the management tried to impress that the workman had

thus admitted to have remained absent without any intimation and satisfactory cause and he committed a misconduct under order No. 27(16) of the certified standing order.

11. Admittedly the affected workman was not at the colliery from 6th June 1966 and it was not proper on his part to leave the colliery without information. On 9th July 1966 when he reported for duty he was issued a charge-sheet (Ext. 1) asking him to show cause for remaining absent continuously since 6th June 1966 without permission and satisfactory cause in contravention of order No. 27(16) (Ext. 8) of the Colliery's Standing Order. The affected workman in his reply dated 12th July 1966 (Ext. 2) to the chargesheet stated that he was sick for two weeks from 23rd May 1966 and when he could not recover by the treatment of the colliery doctor he had got himself treated by an outside medical practitioner and that he was not allowed to resume work when he had come to the colliery after recovery four days earlier. From the enquiry proceedings it is seen that while deposing the management's witness had almost repeated what was stated in management's counter settlement and during the hearing by the representative of the management. The gist of the same is that the workman absconded from the colliery and remained absent without information or satisfactory cause. The Enquiry Officer had to find that the absence was without satisfactory cause. The workman had pleaded that he was not cured by the treatment at colliery dispensary and so he had to take outside treatment. So the Enquiry Officer had to be satisfied that the plea of the affected workman was wrong and that he was completely cured on 4th June 1966. To this extent, there was absolutely no evidence before the Enquiry Officer. Consequently the finding of the Enquiry Officer is perverse. The enquiry proceedings (Ext. 4) reveals that the statement of the affected workman was not recorded and that it had only been recorded below the statement of the management's witness that the accused had declined to cross-examine him and did not produce witness in his defence and that his left hand thumb impression had been obtained separately under each of the above statements recorded in the proceedings relating to the workman. The Enquiry Officer had, however, not signed anywhere in the enquiry proceedings and there was no indication that the enquiry was conducted by him or such proceedings were recorded by him. It has also not been mentioned anywhere in the one paged enquiry proceedings that before obtaining the L.T.I. of the affected workman below the statement of management's witness and the above cited remarks recorded in Hindi, the contents thereof were explained to him in Hindi. Though the name of the management's witness has been mentioned as Shri Kalidas Nag, Bill clerk on the top if his statement recorded in the Enquiry Proceedings but somebody-else as Shri Kalidas Nayak had signed the statement and attested the alleged refusal of the workman to cross-examine him and his inability to produce his witness. The Enquiry report (Ext. 5) is signed without date by Shri A. K. Sengupta, W.O. From the enquiry report it is seen that the Enquiry Officer had stated to have based his findings on the statement of the management's above cited solitary witness and relevant papers. The other relevant papers, on which the Enquiry Officer had stated to have based his findings were not produced during the hearing. The Enquiry Officer however had held in his enquiry report that the charge against the workman was proved beyond doubts and that the accused was liable for disciplinary action. The Manager accordingly had in writing recommended for dismissal of the workman on the basis of E.O's findings in the space provided for Manager's comments (Ext. 6) in the body of the chargesheet. The Chief Mining Engineer of the company had in writing accorded his approval for the dismissal of the workman in the space provided for Final orders (Ext. 7) in the body of the chargesheet. Accordingly the workman was dismissed vide letter No. WBH/13/66/998 dated 22nd August 1966 (Ext. 9) of the Manager of the colliery addressed to him.

12. The workman was charged for misconduct under order No. 27(16) of the colliery's certified standing order (Ext. 8) which provided that remaining absent continuously for more than 10 days from duty without permission or satisfactory cause will constitute a misconduct. But in the instant case the workman was not absent from duty but was sick from 23rd May 1966 to 4th June 1966 which was within the knowledge of the management and had left the colliery for better treatment elsewhere on 6th June 1966. The management failed to produce any oral or documentary evidence to show that the workman was ill from 23rd May 1966 and that efforts were made by the colliery dispensary to cure him during his sickness from 23rd May 1966 to 4th June 1966 and further steps taken by the colliery medical officer when the workman did not recover even after 12 days treatment at the colliery dispensary. The colliery medical officer, an important witness should have been examined in the enquiry and produced in the hearing to

explain this position how far the statement of the union that he was informed by the affected workman before leaving the colliery on 6th June, 1966 is correct. In the circumstances I cannot disbelieve the statement of the workman that he was compelled to leave the colliery for better treatment elsewhere and that he was treated and cured by an outside doctor as is substantiated by the medical certificate (Ext. B) produced before me. Had the workman been declared fit for duty on 6th June 1966 (5th June 1966 being Sunday) by the colliery doctor and had he not resumed duty and left the colliery then only he could have been charged for acting in contravention of order No. 27(16) of colliery's standing order. The fact of his continuing illness and that he was under the treatment of Dr. S. R. Mukherjee an outsider Medical Practitioner cannot be brushed aside. I also feel that the management by giving a short notice of enquiry allowing barely 1 day's time did not give the workman sufficient and reasonable opportunity to come prepared for the enquiry with his witness, if any, or documentary evidence like medical certificate etc. The affected workman had stated in his reply to the charge-sheet that he was fit on 9th July 1966, when he had come for duty to the colliery. In the Medical certificate it is stated that he was under treatment of the doctor upto 17th July 1966 and was fit for duty only on 18th July 1966. It is just possible that while treatment was continuing he might have felt as a layman that he was fit for duty on 9th July 1966 and had stated accordingly. The Medical certificate produced by the union cannot be said to be manipulated or concocted as alleged by the representative of the management. The workman stated during hearing that he was subsequently allowed by the management to resume duty and worked for 5 weeks in the colliery before he was dismissed. The management's representative did not refute this statement of the workman during hearing and so it may be taken that the workman was allowed to resume duty presumably after the medical certificate had been shown to the management and they had been satisfied. The representative of the management failed to throw any light on this point during hearing.

13. The contention of the union that the so called Enquiry Officer was not duly authorised to conduct the enquiry does not hold good as the said Enquiry Officer was duly authorised to hold the enquiry under management's letter No. WBH-13/66/834 dated 13th July 1966 addressed to the workman.

14. The contention of the union that the workman was dismissed with a view to reducing surplus labour of the colliery cannot be accepted as the union failed to substantiate it.

15. It emerges from the evidence on record that the charge was not properly framed against the affected workman and the enquiry was conducted in a slipshod fashion and suffered from serious defects as pointed out earlier. The enquiry was, therefore, not fair and was definitely perverse. So it cannot be said that the guilt of the workman was proved in the Enquiry.

16. Therefore, I hold that the dismissal of the affected workman in the instant case based on the findings of such defective and perverse enquiry was not justified. Consequently I direct that Shri Brihaspat, Wagon Loader, be re-instated immediately and that the period of his unemployment from the date of his dismissal to the date of his re-instatement be treated as leave without wages, but this period is to count for his service and other purposes.

Award is passed accordingly and submitted to the Central Government under section 10A of the I.D. Act, 1947.

(Sd.) R. B. MAZUMDAR,
Assistant Labour Commissioner(C),
Asansol

And
Arbitrator

[No. 6/122/68-LRII.]

S.O. 1876:—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 3), Dhanbad, in the industrial dispute between the employers in relation to the Bansdeopur Colliery of Messrs New Bansdeopur Coal Company (Private) Limited, Post Office Kusunda, District Dhanbad, and their workmen, which was received by the Central Government on the 23rd April, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 3) AT DHANBAD

REFERENCE NO. 18 OF 1968

PRESENT:

Shri Sachidanand Sinha, M.A., M.L., Presiding Officer.

PARTIES:

Employers in relation to the Bansdeopur Colliery.

Versus

Their Workmen.

APPEARANCES:

For employers—Shri B. Joshi, Advocate.

For workmen—Shri Lalit Burman, General Secretary, Bihar Koyala Mazdoor Sabha.

INDUSTRY: Coal

STATE: Bihar

Dhanbad, dated the 11th of April, 1969

AWARD

1. The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Bansdeopur colliery of Messrs New Bansdeopur Coal Company (P) Limited, Post Office Kusunda, District-Dhanbad and their workmen by its order No. 2/43/65-LRII dated the 18th of April, 1966, referred to the Central Government Industrial Tribunal, Dhanbad under section 10 (1) (d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below:—

SCHEDULE

“Whether the management of the Bansdeopur colliery of Messrs New Bansdeopur Coal Company (P) Limited was justified in refusing employment to Shri Sonaram Nonia, Pick Miner, when he reported himself for duty, on the 25th January, 1965, on the plea that he had resigned from service? If not, to what relief is the workman entitled?”

2. The Central Government Industrial Tribunal Dhanbad registered the reference as reference No. 74 of 1966 on its file. While it was pending there the Central Government by its order No. 8/25/67-LRII dated the 8th of May, 1967 transferred the proceeding to the Central Government Industrial Tribunal No. 2, Dhanbad and there it was registered as reference No. 136 of 1967. The Central Government by its subsequent order No. 8/71/68-LRII dated the 13th of August, 1968 transferred the dispute to this tribunal and here it has been registered as reference No. 18 of 1968.

3. The General Secretary, Bihar Koyala Mazdoor Sabha filed the written statement on behalf of the workman on 10th May, 1968. Their case is that the concerned workman Sri Sonaram Nonia was working permanently in the Bansdeopur Colliery as a pick miner. The workman was not being supplied with proper working places and was being harassed by the Mining Sirdar. Being aggrieved he made an application to the manager on 13.1.65. On 16.1.65 the workman was badly assaulted by a Mining Sirdar Sri Ramayan Singh along with another causing multiple injuries on his person. He was treated by the Civil Assistant Surgeon of the Kenduadih state dispensary from 16.1.65 to 24.1.65 and was given a certificate of his fitness to resume duty on that date. The workman approached the manager for work. On 25.1.65 though he waited for three days he was not permitted to resume duties by the manager. During the conciliation proceedings the manager Shri B. Joshi submitted before the conciliation authority that the workman Sri Sonaram Nonia was involved in a theft case and that the workman resigned from service on 16.1.65 on his own accord and produced the resignation letter before the conciliation authorities. According to the union the said letter of resignation was from one Sonaram Mahato and not from Sonaram Nonia, the concerned workman. In that letter of resignation the word ‘Nonia’ was apparently inserted after the word ‘Mahato’ making the whole name as ‘Sonaram Mahato Nonia’ which is an impossibility and that the word ‘Nonia’ was written in a different hand.

4. According to the union the said letter of resignation was not genuine and was fabricated in the office of the management. According to the union the action of management of Bansdeopur colliery in refusing employment to the workman Sri Sonaram Nonia from 25.1.65, on the plea that he had resigned from the service is totally unjustified. The workman therefore, prayed for reinstatement in his post of Pick Miner with full back wages.

5. The employers filed the written statement on 12.6.68. Their case is that the concerned workman Sri Sonaram Nonia was also known as Sonaram Mahato Nonia. He first joined as pick miner in this colliery as a temporary worker on and from 20th February, 1964 and left his employment from 7th September 1964. The said workman again came for employment and was appointed afresh on and from 14th December, 1965. The concerned workman was involved in fray on 10th January, 1965 with somebody which matter was a private affair. The concerned workman probably out of fear of the person with whom he had the fray left the job by his own accord by giving his resignation on 16th January, 1965 and which resignation was accepted by the management. Therefore, on and from 16th January, 1965 the workman had ceased to be an employee of the management.

6. The management accepted the said letter of resignation of the concerned workman in *bona fide* manner and the question of stopping the workman concerned from work does not arise, since the workman by himself had terminated his service.

7. On behalf of the management Sri B. Joshi (MW-1) was examined and one item of document was filed and was marked as Ext. M-1. On behalf of the workman one witness Sri Anant Sharma (W-1) was examined and five items of documents were exhibited and were marked as Ext. W-1 to W-5.

8. The point for consideration is whether the management of Bansdeopur colliery was justified in refusing the employment of Sri Sonaram Nonia, Pick Miner from the 25th of January, 1965 on the plea that he has resigned from service.

9. According to the management the concerned workman Sri Sonaram Nonia received full and final payment and submitted his resignation letter (Ext. M-1) which was accepted by the management. According to the management it was a genuine document. MW-1 Sri B. Joshi, who was the manager of the colliery during the relevant time has stated in his evidence that he was manager of the colliery from 1961 upto 1967. He has stated in his evidence that on 16th January, 1965 the concerned workman Sri Sonaram Nonia came to the office and approached him for his final dues since he was not willing to continue further as a miner. Thereupon he asked him to bring his resignation letter and accordingly he went to the attendance clerk and brought the resignation letter (Ext. M-1) before him. That resignation letter was in the pen of the attendance clerk and bore the thumb impression of the concerned workman Sri Sonaram Nonia. He further stated that he endorsed on that resignation letter the word 'accepted' and it bears his signature. He further stated that word Sona Mahato Nonia is written below the thumb impression. He further stated in his evidence that this resignation letter is of the concerned workman Sri Sonaram Nonia.

10. On behalf of the workman one witness Sri Anant Sharma (WW-1) was examined. He is Vice President of the Bihar Koyala Mazdoor Sabha. He has stated in the examination in chief that there was a temporary miner named Sona Mahato in Bansdeopur colliery and that resignation letter (Ext. M-1) is that of temporary miner Sri Sona Mahato and that this letter (Ext. M-1) is not of the concerned workman Sri Sonaram Nonia. Sona Mahato has not been examined on behalf of the union. Sri Anant Sharma (WW-1) has stated in his cross-examination that Sri Sona Mahato had verbally told him that he had resigned. He further admitted that he has not seen the resignation letter of Sona Mahato. Therefore, his statement that this letter Ext. M-1 is resignation letter of Sona Mahato cannot be relied upon. Sri Sona Mahato has not been examined and W.W. 1 Sri Anant Sharma had not seen the resignation letter of Sona Mahato. Moreover, the concerned workman Sri Sonaram Nonia has not come to the witness box to deny that it is his resignation letter. Sri B. Joshi, who was the then manager of the colliery has stated on oath that this resignation letter (Ext. M-1) is that of the concerned workman Sri Sonaram Nonia. On the other hand the union has not examined Sri Sonaram Nonia to deny that the resignation letter (Ext. M-1) was submitted by him.

11. The case of the management even before the conciliation authorities was that Sri Sonaram Nonia submitted his resignation letter on 16th January, 1965 which was accepted by the management and he left his employment at his own accord. Sri Sonaram Nonia has not been examined before me and therefore, I

cannot be said that the resignation letter (Ext. M-1) does not contain his thumb impression.

12. The union has not examined the concerned workman to deny the genuineness of Ext. M-1. I therefore, hold that the resignation letter (Ext. M-1) is genuine document.

13. In this view of the evidence I hold that there is no refusal of employment to Sri Sonaram Nonia, Pick Miner with effect from the 25th of January, 1965 as he had resigned from service on his own accord by letter dated 18th January 1965. The workman therefore, is not entitled to any relief.

14. This is my award. It may be submitted to the Central Government under section 15 of the Industrial Disputes Act, 1947.

(Sd.) SACHIDANAND SINHA,
Presiding Officer.
[No. 2/43/65-LRII.]

S.O. 1877.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Khas Chinchuria Colliery (Private) Limited, 12, Old Court House Street, Calcutta-5 and their workman, which was received by the Central Government on the 24th April, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE NO. 44 OF 1968

PARTIES:

Employers in relation to the Khas Chinchuria Colliery (Private) Limited,

AND

Their workmen.

PRESENT:

Shri B. N. Banerjee, Presiding Officer.

APPEARANCES:

On behalf of Employers	}	Absent
On behalf of Workmen		

STATE: West Bengal

INDUSTRY: Coal Mines

AWARD

By Order No. 6/59/68-LRII, dated September 9, 1968, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred the following industrial dispute between the employers in relation to the Khas Chinchuria Colliery (Private) Limited and their workmen, to this tribunal, for adjudication, namely:

"Whether the termination of the services of Shri Mohan Singh, Durwan by the present management of Khas Chinchuria Colliery, Post Office, Asansol, District Burdwan with effect from the 31st October, 1967 was justified? If not, to what relief is the workman entitled?"

2. Notice was sent by this tribunal, both to the management and the workmen calling upon them to file their respective written statement. The notices were served upon the management and the trade union of the workmen on October 14, 1968. It appears that the Khas Chinchuria Colliery (Private) Limited is now in liquidation. The Deputy Official Liquidator, High Court, Calcutta, sent the following letter, dated October 26, 1968, to this Tribunal:

"With reference to your Notice No. 44/68/550, dated 9th October 1963 I am to inform you that I have already explained my position to the Assistant Labour Commissioner (C), Asansol by this office letter No. OL-278/1(2)/1523/G, dated 12th June 1968 which will speak for itself. Copy enclosed for your information."

The letter to the Assistant Labour Commissioner (C), referred to in the above letter reads:

***By an order dated the 14th January, 1963 made by the Hon'ble High Court, Calcutta the company above named was directed to be wound up and the undersigned was appointed the Liquidator thereof. By another order dated 16th July, 1968 made on the application of Messrs United Bank of India Ltd., Calcutta the mortgagee of the colliery the Hon'ble Court appointed the undersigned and Shri D. Sen as joint Receivers of the property with powers, *inter alia*, to take possession of the colliery forthwith and sell the same by Public auction in pursuance of the said order the undersigned deputed the Assistant Official Liquidator to take possession of the colliery but was prevented by Messrs Jote Dhemu Colliery Co. Pvt. Ltd. from taking possession as they alleged that they were appointed by the previous management as Managing Contractor of Khas Chinchuria Colliery by a Registered agreement dated the 25th August, 1956. The Official Liquidator got possession of the Colliery only on 24th April, 1967 and appointed Shri Mohan Singh on 3rd June, 1967 on a temporary basis. Copy of the said Memo is enclosed herewith from which it will be seen that Shri Mohan Singh was appointed at a consolidated salary of Rs. 70 per month to guard the above named colliery with its plants and machinery. The post is purely temporary and his services may be terminated at any time without giving any prior notice or showing any reason.

As regards production of relevant books and documents evidence etc., I have to state that company practically has no fund, so it is not possible for this office to send any assistant on the date of hearing i.e. on 13th June, 1968, which please note."

3. Apart from sending the above letter to this tribunal there was no written statement submitted by Official Liquidator. On an application made by the workmen for extension of time to file written statement, this tribunal by an order dated December 12, 1968, extended the time to file written statement by the workmen by three more weeks as prayed for.

4. Thereafter, December 19, 1968 was fixed for settling a date of hearing and parties were informed by registered post. On that date, one Mr. A. B. Biswas appeared on behalf of the Official Liquidator but nobody appeared on behalf of the workmen.

In these circumstances, the tribunal passed the following order:

"To February 5, 1969, for peremptory hearing. Parties must file their documents, if any, before the date fixed for hearing, with a list of documents filed supplied to the other side. They must come ready with their witnesses on the date fixed for hearing. Inform workmen by registered post."

On February 5, 1969, this tribunal had to deal with an application filed on behalf of the workmen for adjournment of the hearing of the reference. Also the tribunal had to deal with a second application filed by the Official Liquidator for a stay of the proceedings under Section 446(1) of the Companies Act, 1956. This Tribunal disposed of both the applications in the following manner:

"Received an application on behalf of the concerned workman represented by Colliery Mazdoor Congress, Bengal Hotel, Asansol, seeking an adjournment of the reference on the grounds:

- (1) That the learned Advocate for the petitioner is out of Calcutta.
- (2) That the Secretary of the Colliery Mazdoor Congress is engaged in election.

The grounds are frivolous and I reject the application.

There is however a second application filed on behalf of the Official Liquidator asking stay of the proceedings under Section 446(1) of the Companies Act, 1956. I fix the date of the hearing of that application on 27th February, 1969. Inform parties."

When the application for stay of the proceedings was taken up for hearing on February 27, 1969, Mr. Mrityunjay De, learned advocate for the Official Liquidator, submitted that the application was misconceived and he would not press the application. I, therefore, dismissed that application also. Thereafter April

10, 1969 was fixed for settling another date of hearing and the parties were informed. Since that day was declared to be 'Hartal' day, the matter was taken up on the next day but nobody appeared. On April 11, 1969, however, the Tribunal passed the following order:

"Yesterday being a 'Hartal' day, case is taken up to-day.

Nobody appears either for the management or for the workmen.

To April 21, 1969 for peremptory date of hearing. Lists of document to be used in evidence must be filed before this tribunal well ahead of the date fixed for hearing with a copy of the list given to the other side. On the date fixed for hearing parties must come ready with their witnesses. No adjournment will be granted on that date.

Inform parties by registered post."

4. To-day, one Mr. S. C. Dutta appeared on behalf of the Official Liquidator but nobody appeared on behalf of the workmen. In which authority Mr. Dutta appears is not apparent. He merely asked for an adjournment but did not file any application for adjournment. I am unwilling to adjourn this matter. Since nobody produced any evidence before me and since nobody seemed to be serious to go on with the reference, I presume that parties have either no further dispute between them or do not desire to fight out the dispute.

I, therefore, record a 'no dispute' award between the parties.

Dated April 21, 1969.

(Sd.) B. N. BANERJEE,
Presiding Officer.
[No. 6/59/68-LRII.]

New Delhi, the 8th May 1969

S.O. 1878.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Patmohana Colliery of Messrs Patmohana and Bharatchak Collieries Private Limited, Post Office Sitarampur, District Burdwan and their workmen, which was received by the Central Government on the 28th April, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE NO. 2 OF 1969

PARTIES:

Employers in relation to the management of Patmohana Colliery of Messrs Patmohana and Bharatchak Collieries Private Limited,

AND

Their workmen.

PRESENT:

Shri B. N. Banerjee, Presiding Officer.

APPEARANCES:

On behalf of Employers—Shri M. P. Ballasi, Chief Personnel Officer.

On behalf of Workmen—Absent.

STATE: West Bengal

INDUSTRY: Coal Mines.

AWARD

By Order No. 6/98/68-LRII, dated December 11, 1968, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred the following dispute between the employers in relation to the management of Patmohana Colliery of Messrs Patmohana and Bharatchak Collieries Private Limited and their workmen, to this tribunal, for adjudication, namely:

"Whether the management of Patmohana Colliery owned by Messrs Patmohana and Bharatchak Collieries Private Limited, Post Office Sitarampur, District Burdwan, was justified in dismissing Shri Lalbacha Singh,

Munshi from service with effect from the 6th August, 1968? If not, to what relief is the workman entitled?"

2. Parties have not filed their written statement in this reference. At the hearing today, M.P. Baliassi, Chief Personnel Officer of Patmohana and Bharatchak Collieries Private Limited produced a joint petition of settlement settling the dispute between the parties. He proved the terms of settlement by evidence.

3. Now, that there is no further dispute between the parties because of the settlement, I make an award in terms of the settlement.

Let the petition of compromise form part of this award.

Sd./- B. N. BANERJEE,
Presiding Officer.

Dated, April 24, 1969.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 2 OF 1969

Employers in relation to Patmohana Colliery

AND

Their Workmen.

The humble joint petition of the parties above-named Most respectfully showeth:—

1. That the instant reference has been mutually settled by and between the parties on the following terms and conditions:—

(a) That the workman Sri Lalbacha Singh will be reinstated in the Patmohana Colliery in the job of Munshi on and from the 1st day of May, 1969.

(b) That the period of unemployment of the said workman will be treated as period of absence on leave without pay.

Provided however that for the purposes of earning leave and continuity of service, the workman shall be deemed to have been on duty during the period of unemployment.

(c) That the workman shall be paid a sum of Rs. 150/- *ex gratia* payment.

In the circumstances the parties pray that the Hon'ble Tribunal be pleased to pass an Award in terms of the above compromise.

And as in duty bound the parties shall ever pray.

Dated, 24th April, 1969.

Representing Workmen.

(Sd.) SUNIL SEN,
Organising Secretary,
Colliery Mazdoor Sabha
Asansol.

Representing Employers.

(Sd.) M. P. BALLASI,
Chief Personnel Officer,
Patmohana & Bharatchak
Collieries Co. (P) Ltd.

[No. 6/98/68-LRII.]

S.O. 1879.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the West Chirimiri Colliery, post Office Chirimiri, District Surguja (Madhya Pradesh) and their workmen, which was received by the Central Government on the 30th April, 1969.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, JABALPUR

Dated 5th April, 1969

PRESENT

Shri G. C. Agarwala, Presiding Officer.

CASE REF. No. CGIT/LC(R) (7) OF 1968

PARTIES

Employers in relation to the management of West Chirimiri Colliery, P.O. Chirimiri, Distt. Surguja (M.P.).

Vs.

Their workmen represented through the President, M.P. Colliery Workers' Federation, P.O. Chirimiri, Distt. Surguja (M.P.).

APPEARANCES

For employers—S/Shri P. S. Nair, Advocate and Gurumukh Singh, Agent, West Chirimiri Colliery, P.O. Chirimiri Distt. Surguja (M.P.).

For workmen—Shri Gulab Gupta, General Secretary, M.P. Colliery Workers' Federation, P.O. Chirimiri, Distt. Surguja (M.P.).

INDUSTRY: Coal

DISTRICT: Surguja (M.P.)

AWARD

By Notification No. 5/56/67-LRII, dated 9th January, 1968 the Ministry of Labour, Employment and Rehabilitation, Government of India referred the following disputed matter, as stated in the schedule to the order of reference, to this Tribunal under Section 10(1) (d) I.D. Act for adjudication:—

Matter of Dispute

Whether the dismissal of Sarvashri Bhimo son of Gadoo and Raghu son of Daya, tub-loaders from the 29th August, 1967 by the management of West Chirimiri Colliery was justified? If not, to what relief are the workmen entitled?

The workmen concerned, Bhimo and Raghu, were tub-loaders in the colliery. Bhimo was Vice-President of the Union, the West Chirimiri Colliery unit of M.P. Colliery Workers' Federation. Duty hours of these tub-loaders were from 8 A.M. to 4 P.M. and the last instalment for supply of empty tubs used to be by 3 P.M. According to the management, Bhimo and Raghu as also others of their gang comprising of 14 tub-loaders out of 25, the remaining 11 being of another gang and belonging to another union; had overstayed inside the mine beyond 4 P.M. despite the instructions of Overman, R. S. Sahu and Rana Pratap, Tub Writer. The Assistant Manager, Shri K. C. Modgil, who had received such complaints in passed had directed that tub-loaders of first shift should be required to go out of the mine at 4 P.M. Bhimo and Raghu did not pay heed to that direction and over-stayed on the previous day also. On 7th July, 1967 they were specifically told about the instructions of Assistant Manager which they deliberately disobeyed and continued to load tubs and came out of the mine alongwith the others of their gang at about 4-45 P.M. Loaders of the other gang, however, complied with the order and came out leaving the tubs allotted to them unloaded. Rana Pratap phoned Shri Modgil about the defiance and according to Modgil, he told Rana Pratap that he should inform Bhimo and Raghu and others of his direction and request them to go out. Thereafter Modgil went to the room of the Manager, Shri Gupta, to talk over the matter. While he was sitting there, Bhimo and Raghu accompanied by others of the gang came to the office of the Manager. Bhimo and Raghu entered the room and others remained standing outside. They abused Modgil and threatened him with assault. At the intervention of the Manager, Shri Gupta and with great difficulty, they were persuaded to leave and go away. The version given by the workmen is that the management was not happy with Bhimo and Raghu because of their active association with the Union, M.P.C.W. Federation. One Shri Kuldip, who was also one of the active members of the Union, lost Union election and thus his hold in Union affairs slipped out. He formed another Union and the management patronised this Union, M.P.C.W. Federation, the Union to which Bhimo and Raghu belonged, had submitted a charter of 32 demands on 24th April, 1967 and inspite of negotiations and discussions, no settlement could take place and the Deputy General Secretary, Shri R. M. Seth, informed Assistant Labour Commissioner by letter dated 4th July, 1967 (Ex. W-5) of this fact. In consequence of this, Bhimo and Raghu and others of their gang used to be supplied tubs deliberately late with the result that they could not fully load the tubs by the end of the shift time. Neither on 6th nor on 7th July, any one had asked them to leave the mine without loading the tubs. It was, however, admitted that they and others of their gang did go to the room of the Manager, Shri Gupta, on 7th July, 1967 so as to place their grievances. Modgil happened to be there and started abusing Bhimo and Raghu who as spokesman of the tub-loaders had entered the room and others remained standing. When Bhimo and Raghu protested, they were further abused by Modgil. Gupta, the Manager, intervened and they then came away.

Bhimo and Raghu were both suspended and chargesheeted on 8th July 1967 by the management. On their suspension, it appears that there was a strike by tub-loaders of their gang and the suspension was later on withdrawn. The chargesheet against them runs as follows:—

"It has been reported that on 7th July 1967 in the 1st shift, you overstayed inside the mines by 3/4th hour, worked even after the expiry of the

shif and disobeyed the orders of your superior when asked to leave the mine at 4.00 P.M. and instigated the others to do the same.

Again you alongwith others entered the office of the Manager quarrelled with the Assistant Manager who was there for meeting, shouted at him threatened him and behaved in indecent manner.

The above amounts to serious misconduct on your part under the Company's Standing Order 25(5) (Disorderly indecent behaviour), 25(1) (wilful, insubordination or disobedience) 25(12) Breach of Mines Act Rules and Regulations there-under.

As such please explain why action should not be taken against you. Your written explanation should reach the undersigned within 48 hours of receipt of this letter failing which it will be construed that you have no explanation to offer and such action may be taken against you as may be deemed fit.

Since the charges levelled against you are of serious and grave nature you are hereby suspended from work pending further proceedings and final order in the matter."

Both Bhimo and Raghu submitted replies to the chargesheet (Exts. E-3 and E-4) which were almost identical. The Agent, Shri Gurmukh Singh, who issued the charge-sheet did not find the explanations satisfactory and ordered an enquiry which he conducted himself. On the request of the workmen, Bhimo and Raghu, Shri Mangal Prasad President of Union branch was sent for so as to watch their interest and he participated in the enquiry upto a certain stage. The concerned workmen further made a prayer that proceedings be recorded in Hindi and therefore on Shri Mahabal Singh, member executive of the Union M.P.C.W. Federation and an office clerk was called and he scribed the proceedings and recorded statements. The entire record of enquiry proceedings are in his writing. After the evidence of Modgil who was not cross-examined and when statement of Rana Pratap, the second witness was being recorded, Mangal Prasad objected to the statement being dictated by the Enquiry Officer himself and on the Enquiry Officer stating that language only was being improved to be in proper form and substance of statements was not being changed, both Bhimo and Raghu as also their representative, Mangal Prasad withdrew from the enquiry. Rest of the proceedings were ex-parte and beside Modgil, five more witnesses S/Shri Rana Pratap, R. S. Sahu, S. D. Diwan Safety Officer, H. P. Gupta, Manager and Gurbachan Singh Senior Overman, were examined. The Enquiry Officer, however, sent a letter dated 23rd July 1967 to both the workmen intimating the names of witnesses examined and requiring them to produce defence, if any, by 5 P.M. on 24th July 1967 (Ex. E-9). The workmen sent a communication on 24th July 1967 (Ex. E-10) but did not produce any defence. The Enquiry Officer then recorded the findings (Ex. E-11) and sent it to the Head Office for approval of the action recommended by him. He found that both the workmen were guilty of the charges. The Agent-cum-Enquiry Officer recommended the punishment of dismissal to Bhimo and for Raghu a lesser punishment of suspension was recommended as his role was stated to be secondary in the incident (Ex. E-12). The Head Office accepted the recommendation and by communication dated 1st August 1967 (Ex. E-13) directed that Bhimo be dismissed and for Raghu punishment of suspension for one week be awarded. The Agent did not straight away record the punishment but raked up an earlier charge-sheet for an entirely different incident dated 29th January 1967 which had remained dormant.

It appears that on 29th January 1967, three persons had been seriously injured as a result of assault and one of them had lost five teeth. It was alleged that the workmen Bhimo and Raghu were also among the assailants. According to management, they were being pressed by the victims of assault and hence the management had to proceed against the assailants. Since there were General Election in February, 1967, the management did not consider it expedient to proceed against them at that time but when pressed further to charge-sheet dated 21st April 1967 (Ex. E-14) was issued against 13 persons who were alleged to have taken part in the assault including Bhimo and Raghu, workmen concerned. On their behalf, the Deputy General Secretary sent a reply on 24th April 1967 (Ex. E-15) alleging that the action was malafide. According to the management, no action for enquiry was taken as a criminal case for the same incident was pending and which in fact is still pending. Since, however, the incident dated 7th July 1967 had intervened and as a result of enquiry, it was found that Bhimo at any rate would be dismissed and Raghu suspended for one week and further because there was no knowing how long the criminal case would continue, the management decided to hold an enquiry and therefore notice dated 31st July 1967 (Ex. E-17) fixing the enquiry date as 2nd August 1967 was issued to all the

charge-sheeted workmen. The enquiry was held on 2nd August 1967 in which the complainants who were victims of the assault, on their request, were allowed to be represented through Shri B. D. Kuldip. None of the charge-sheeted thirteen persons participated in the enquiry which had to be conducted *ex-parte* on 2nd August 1967 and 3rd August 1967. The Enquiry Officer who was the Agent himself then recorded the findings against Bhimo and Raghu holding that they were responsible for the assault and recommended a punishment of dismissal (Ex. E-26) on 17th August 1967. The Head Office by letter dated 21st August 1967 accepted the recommendation.

The Agent, by an order dated 29th August 1967 then dismissed both Bhimo and Raghu on the ground that they had been found guilty for both the charge-sheets, one dated 21st April 1967 for the incident dated 29th January 1967 and the other dated 8th July 1967 for the incident dated 7th July 1967. It appears that as a result of this order, there was a good deal of agitation raised by the Union and 32 demands which had been made earlier in April, 1967 were raised to 41 demands and which included the case of dismissal of Bhimo and Raghu. Conciliation having failed, ultimately resulted in this reference.

The following issues framed in the case will show the respective stand of the parties which would be stated and discussed when each issue is taken up. It may, however, be mentioned that parties were required to lead evidence initially on the validity of the domestic enquiry and on the plea of the victimisation. They were not required to lead evidence on the alleged misconduct for which the workmen were punished. It however, transpired that it would be expedient to call upon the management to justify the punishment in respect of the incident dated 7th July 1967 and the consequent chargesheet dated 8th July 1967. Both sides thereupon gave evidence for the incident dated 7th July 1967. No evidence was required to be led for the incident dated 29th January 1967. It may be mentioned that the criminal case for this incident is still pending there is no knowing how long it would last more:—

Issues

- (i) Whether any bonafide and proper enquiry conforming to principles of natural justice was held in respect of charge-sheet dated 8th July, 1967?
- (ii) (a) Whether the charge-sheet dated 21st April 1967 was bonafide and a proper enquiry was held?
- (b) Whether the workmen concerned had due notice of the enquiry. Were they justified in not participating in the enquiry?
- (iii) Were the employers guilty of unfair labour practice and the workmen concerned were victimised for trade union activities?
- (iv) Were the workmen concerned guilty of the misconduct for which they were charge-sheeted and punished?

Findings

On Issue No. 1:—

For the charge-sheet dated 8th July 1967 in respect of incident dated 7th July 1967; there is no reason to suspect the bonafides of the management and there is no infirmity which can vitiate the enquiry. It is admitted on behalf of the workmen that they came out only after loading the twelve tubs. In their explanation to the charge-sheet, they had denied that they had been asked by any one to go out of the mine but in evidence before this Tribunal, it had been admitted by both that Rana Patap, the Tub Writer and Sahu Overman, had asked them to leave twelve tubs which they were loading and they had also told them that this was the instruction of the Officer. It is a further admitted fact that they came out after the shift time was over. The incident in the Manager's room wherein Bhimo and Raghu as spokesman of the gang entered the room of the Manager and there was an altercation between them and Modgil is also admitted. The difference lies in the version about the manner in which it took place. Consequently, it cannot be said that there was lack of bonafides on the part of management in charge-sheeting the two concerned workmen for incident dated 7th July 1967.

As for the enquiry, there is hardly any infirmity. The President of the branch union was allowed to represent the two workmen and he participated in the enquiry. When the workmen wanted proceedings to be recorded in Hindi, the Enquiry Officer took the help of the office clerk Mahabal Singh, who was a

member of their union. It was admitted by Mahabal Singh who was produced by the workmen that whatever was stated by witnesses in Hindi was dictated by the Agent and the statements were correctly dictated. The Agent of his own accord did not get anything recorded in the statements. The Union President, Shri Mangal Prasad and Bhimo and Raghu wanted that statements in actual wordings of witnesses should be recorded and no dictation should be given by the Agent. This was an unreasonable demand. The Agent correctly informed them that only the language was being made in proper form and such dictations are given even by courts also. Consequently, there was no justification for Mangal Prasad and Bhimo and Raghu to withdraw from the proceedings on a flimsy ground. They had fully participated when evidence of Shri Modgil was recorded. The allegation on behalf of the workmen was that Modgil was reading a prepared statement and which was allowed by Enquiry Officer in spite of their protest. Shri Gurmukh Singh, the Enquiry Officer denied this. No question was put to Modgil about it. On the other hand Mahabal Singh (W.W. 1) stated that Modgil started giving statement from a prepared statement but when objected to this was stopped. He further admitted that Bhimo and Raghu did not cross-examine Modgil and stated that they would not like to cross-examine him. The record of enquiry proceedings would show that both Bhimo and Raghu had signed on the proceedings after the lengthy statement of Modgil and without any protest. It was only after the statement of Modgil and thinking that the workmen had no case, as suggested by the management that the workmen concerned and their representative withdrew from the proceedings on a flimsy ground that the Enquiry Officer should not give dictation and statements of witnesses in their own words should be recorded. Mahabal Singh unequivocally admitted that the Enquiry Officer had not improved the statement but had only changed the words here and there. Thus there was no ground for the workmen to have withdrawn from the enquiry.

The Enquiry Officer even after recording the statements of witnesses sent a communication dated 23rd July 1967 (Ex. E-9) to both Bhimo and Raghu that they could produce their defence by 5 p.m. on 24th July 1967. There is some confusion as to when this communication was served on Bhimo and Raghu. In the enquiry report, Shri Gurmukh Singh recorded that the letter was issued on 24th July 1967 in the morning. In his statement, however, he stated that the letter must have been served either on 23rd July 1967 or on 24th morning. He was, however, positive that it had been served before the communication dated 24th July 1967 was received. This communication was not brought by Bhimo but by some union volunteer and though it was received by 4.45 p.m. yet as it mentioned nothing about his notice dated 23rd July 1967 calling upon them to produce defence before 5 p.m., he treated the enquiry as closed. There is no reason to doubt the statement of Gurmukh Singh on the point. The notice dated 23rd July 1967 (Ex. E-9) bears the signature of both the workmen in token of receipt and if they were minded to produce defence, they should have applied. In that case Shri Gurmukh Singh would have undoubtedly given time. When no such request was made in communication dated 24th July 1967 (Ex. E-10) and baseless allegations were made with regard to the proceedings of enquiry conducted on 22nd July 1967, the Agent-cum-Enquiry Officer was competent to ignore the same. The findings recorded by him was justified by the evidence of six witnesses. There is no element of perversity in the findings. It must, therefore, be held that a proper bonafide enquiry conforming to the principles of natural justice was held in respect of charge-sheet dated 8th July 1967.

Issue No. 2 (a and b).—The chargesheet dated 21st April, 1967 on an incident dated 29th January, 1967 was far from bonafide and seems to have been raked up because of the incident dated 7th July, 1967 on the part of Bhimo and Raghu. The alleged incident took place in the Dafai or Labour Quarters at about midnight. No written complaint had been lodged with the management by the victims of the assault. It appears to have been a private affair between the victims who were S/Shri Budhia, Raghu S/o Sulla and Ganpati on one side and 13 charge-sheeted persons on the other. From the statement given by Raghu S/o Sulla in the domestic enquiry it appears that after the dance, which had been arranged on a stage between two lines of quarters, was over at about 12 mid-night, Raghu, Budhia and Ganpati went to attend call of nature. When they were returning back to the labour quarters, Bhimo and Raghu shouted and collected other assailants. The assault thereafter started by means of sticks, lathies and stone pieces. There is nothing to show that any rational connection existed between the employment of the charge-sheeted workmen and the victims with the management. The occurrence took place in the labour quarters which according to the Agent, Shri Gurmukh Singh himself is about $\frac{1}{2}$ mile away from inclines No. 7 and 9, the workshop and the loading point being about $\frac{1}{2}$ mile away and staff quarters about $\frac{3}{4}$ mile distant from the scene of occurrence in labour

colony. Evidently the scene of occurrence was far away from the work place. It was contended on behalf of the management that they were interested to maintain peace and discipline among their employees residing in the labour colony even though the fight was a private affair and when approached and pressed by the victims, they were justified in taking action. Reliance was placed on two cases of the Hon'ble Supreme Court, namely Central India Coalfields Ltd. Vs. Rambilas Shobnath reported in 1961-I-LLJ p. 546 and Tata Oil Mills Co. Ltd. Vs. its Workmen reported in 1964-II-LLJ p. 113. In the earlier case of Central India Coalfields Ltd. the facts were different. There had been past complaints about drunkenness of the respondent and the habit of causing nuisance to his neighbours. A written complaint had been received from residents of the staff quarters of colliery. The respondent had indulged in indecent and roudy behaviour at the quarters of a number of workmen in a drunken state. It was common ground that the quarters were provided by the appellant and were situated at a distance of about 200 ft. away from the pit mouth. In these circumstances their Lordships of the Supreme Court said that "normally, the standing orders would apply to the behaviour during the hours of their work. It may also be conceded that if a quarrel takes place between workmen outside working hours and away from the coal premises that would be a private matter which may not fall within standing order 29(5); but, in the special circumstances of this case, it is clear that the incident took place in the quarters at a short distance from the coal-bearing area and the conduct of the respondent clearly amounts both to drunkenness as well as riotous, disorderly and indecent behaviour." Because of the special circumstances of the case, the action of the management was upheld. In Tata Oil Mills Company case, it had been found that the assault by Raghavan on Augustine was not purely a private or personal affair but because Augustine was in favour of introduction of the incentive bonus scheme and which was being opposed by a group of workmen including Raghavan. Even in this case, their Lordships observed that "In order that Standing Order 22(viii) may be attracted, the appellant should be able to show that the disorderly or the riotous behaviour had some rational connection with the employment of the assailant and the victim." Such rational connection had been found to exist and therefore, the punishment was upheld. In both these cases, the principle that there should be some rational connection between the incident and the employment was however enunciated. The management will have no jurisdiction in a purely private affair between two sets of workers. The standing order 25(v) describes drunkenness, fighting, riotous or disorderly or indecent behaviour as a misconduct. This need not be during working hours and at the work place; at the same time it should have some bearing with the employment of the charge-sheeted worker. No connection whatsoever had been shown how the management could be affected by this incident. No written complaint had been made to them and the police was already seized with the matter. As a matter of fact, the Agent Shri Gurmukh Singh admitted in cross-examination that the motive for the incident was not reported to him and it was not told that it had anything to do with the working of the mine. He was, therefore, not justified in taking cognizance of incident and issuing a charge-sheet, nearly three months after the incident. His explanation that he did not do it earlier because of General Elections, is not at all convincing. Assuming that it had any bearing with General Elections, that was over in early February and there is no valid reason why he waited till 21st April for the charge-sheet. As soon as the charge-sheet was sent, the Deputy General Secretary at once protested alleging that the intention was to victimise these workers because they were members of his Union. Although the Agent tried to dispel the impression by letter dated 26th April, 1967 (Ex. E-3) yet he could not successfully do so and the impression gained further ground when no action on the charge-sheet was taken in spite of the exhortation given by the Agent that the workers could participate in the enquiry. Shri Gurmukh Singh admitted in his statement that when he went to see the victims in the hospital hearing about the Jhagra, oral complaint was made by Raghu S/o Sulla. He did not prepare any record about it and on return from the hospital he asked the Labour Welfare Officer to look into the complaint. The Labour Welfare Officer verbally reported to him that the 13 charge-sheeted persons had assaulted the complainants and action should be taken. He, therefore, issued the charge-sheet on the verbal report of the Labour Welfare Officer which was given within two days of the incident. The explanation that because of General Election he was out of action and subsequently because he had hoped that tempers would cool down, is most unconvincing. On the top of it there was no valid reason to rake up the charge-sheet and commence the enquiry on 31st July, 1968 after keeping it in cold storage for nearly three months. Evidently, as is suggested now, the enquiry was revived because Bhimo and Raghu were involved in another incident dated 7th July, 1967 and in which

they had been found guilty. In other words, if there had been no incident dated 7th July, 1967 there would have been no occasion to revive this dormant charge-sheet. The action of the management consequently in charge-sheeting workmen was not a bonafide one as it had no rational connection with the charge-sheeted workmen and their employment.

The enquiry itself was far from fair. The notice of enquiry was issued on 31st July, 1967 and the enquiry was commenced on 2nd August, 1968. The Agent had not himself satisfied personally that notices had been served. He, however, thought that it should have been served by Attendance Clerk on 31st July, 1967. In the enquiry, Kuldip who was the leader of the rival group was curiously allowed to conduct and represent complainants Raghu and Budhia and this was protested by some of the charge-sheeted workmen by means of Exts. E-20 and E-21. Ignoring this protest and without satisfying that actually all the 13 charge-sheeted persons have had sufficient notice, the Enquiry Officer proceeded with the enquiry. In the absence of any of the charge-sheeted workmen he concluded the enquiry *ex-parte* recording evidence on two successive dates, namely 2nd and 3rd August, 1967. A significant fact to be noticed is that in the findings recorded by the Agent, although 13 persons had been charge-sheeted yet specific finding was recorded only against Bhimo and Raghu and for others, it was simply observed that several persons had assaulted the three victims. But whether the remaining 11 were or were not found guilty and what punishment, if any, was proposed, had not been recorded in the finding. In his statement, Shri Gurmukh Singh observed that he had found all the 13 guilty of assault but as he had found that Bhimo and Raghu lead the assault, he recommended their dismissal only. When confronted with his finding (Ex. E-25) he had to admit that he had not found the remaining 11 persons specifically guilty. The report and the enquiry, therefore, were not bonafide on the part of the Agent and he was only concerned in pripping up the charge-sheet dated 21st April, 1967 so as to condemn Bhimo and Raghu thereon and thereby fortify the punishment of dismissal on a second charge-sheet also, rather being concerned than with the incident and the other eleven participants. It is, therefore, held that the charge-sheet was not a bonafide one that neither a proper enquiry was held nor the workmen had sufficient notice of enquiry and that they could ignore the enquiry by not participating therein.

Issue No. 4.—This issue may be taken up earlier. After the enquiry on charge-sheet dated 8th July, 1967 covered by issue number one has been found to be bonafide and proper conforming with the principles of the natural justice, it was not necessary for the management to have justified the punishment for misconduct by adducing evidence before the Tribunal. To be on the safe side, however, the management had been required to lead evidence on merits also and which they did. Assuming that enquiry on charge-sheet dated 8th July, 1967 stands vitiated for any reason whatsoever which is not found to be so, the management have succeeded in establishing the misconduct for which the two workmen had been charge-sheeted. They admittedly had overstayed in the mine even after they had been asked by the Overman and the Underground Munshi. The explanation given by Bhimo and Raghu that tubes were half loaded and therefore they came out only after completing the loading of the half-loaded tubs is definitely an after thought. Such a thing had not been stated in their explanations to the charge-sheets or in their written statements before this Tribunal. In their explanations they had simply denied that they had been asked by any one to leave the mine. In evidence, however, they admitted to have been asked by Rana Pratap and Sahu and the further fact that they (Sahu and Rana Pratap) had been asked by an officer to require them to go out. In any case, it is clear from the evidence of the management as furnished by Rana Pratap, Tub Writer and R. S. Sahu, Overman, that they had specifically asked Bhimo and Raghu to leave the empty tubs and to go out of mine as shift time was over. Both Sahu and Rana Pratap phoned Modgil who asked Rana Pratap to convey to Bhimo and Raghu that as their time was over, they should go out. According to Rana Pratap, Bhimo was standing by his side when he was talking to Modgil on phone. It is, therefore, clear that they had remained inside the mine after their shift time was over and disobeyed the orders of their superiors who were at that time the Overman, Shri R. S. Sahu and the Tub-Writer. Rana Pratap as also the orders of Modgil, conveyed through these witnesses to the charge-sheeted workmen.

For the incident in the room of the Manager, Shri H. P. Gupta admittedly Bhimo and Raghu were the spokesmen of others of their gang and had entered the room. They admitted that there was an exchange of hot words between them

and Modgil and that the Manager Shri H. P. Gupta intervened. The evidence of the Manager, Shri H. P. Gupta Modgil (E.W. 3) himself, the Safety Officer S. D. Diwan (E.W. 2) who was in adjoining room and came hearing hubbub as also of Gurbachan Singh, Overman, is clear and specific. According to the evidence of these witnesses, Bhimo seeing Modgil started showering abuses on him. According to Modgil, Bhimo shouted and abused him saying that he was company's broker and had no authority to turn him out of the mine. He further stated that on seeing him his blood started boiling. Both he and Raghu had threatened with menacing attitude on which the Manager got up and persuaded them to go out. For none of these witnesses, there was any grouse against Bhimo and Raghu, a fact admitted by them. The story of Bhimo and Raghu that they were abused by Modgil and they simply protested is not at all convincing, and the evidence produced is partial and untrustworthy. Besides Bhimo and Raghu, concerned workmen, two witnesses were also produced by them, namely Somwaru W.W. 5 and Nandlal W.W. 6. Somwaru was one of the members of the gang of 14 loaders who had overstayed in the mine and had come to the manager's room. He has a membership of the I.N.T.U.C. Union and an interested party. He stated that he was also charge-sheeted for this incident and for which he gave a reply. This is evidently wrong. He had not been charge-sheeted at all. Nandlal is a Trammer on surface duty and is Commandant of Volunteer Force of M.P.C.W. Federation. He admitted to have been charge-sheeted four times by the management and that a police case is pending against him. He is also not an impartial witness. The management's version and the evidence led to support the same are quite trustworthy and the charges under the charge-sheet dated 8th July, 1967 were duly proved by them.

Issue No. 3.—The action of the management in taking up the charge-sheet dated 21st April, 1967 for incident dated 29th January, 1967 was undoubtedly an unfair labour practice and cannot be taken into account. At the same time, for the charge-sheet dated 8th July, 1967 when a bonafide and fair domestic enquiry had been held and charges had been found proved, there is no question of victimisation merely because Bhimo happened to be the Vice President of the Union branch. As observed by their Lordships in Supreme Court in *Bengel Bhatdee Coal Co. Ltd. Vs. Ram Probesh Singh* reported in 1963(6) F.L.R. page 361, "the fact that relations between the employers and the Union were not happy and workmen concerned were office bearers of the Union would by itself be no evidence to prove victimisation, for if that were so, it would mean that the office bearers and active workers of a Union with which an employer is not on good terms would have a *carte blanche* to commit any misconduct and get away with it on the ground that relations between the employer and the union were not happy. When a charge is proved there is no question of victimisation. All the charges against Bhimo and Raghu namely, wilful insubordination, breach of Mines Act, and disorderly behaviour against Modgil were proved after a bonafide enquiry. In the enquiry, the evidence before the Enquiry Officer was that while in the room of Manager, Bhimo indulged in offensive abuses against Modgil, Raghu while he remained with him did not indulge in filthy abuses and only threatened Modgil when he came out that out of four eyes which he had (referring to glasses also which he used) not one would be spared. It is on this basis that the Enquiry Officer very fairly observed in his findings that "From the statement of Shri Rana Pratap and Shri R. S. Sahu Overman it is proved that Shri Bhimo instigated the other loaders to disobey the orders of the Overman and the Tub Writer (Rana Pratap) and it was on his instigation that the loaders stayed underground after the expiry of their shift on 7th July, 1967. Shri Raghu only followed Bhimo as other loaders also did. "For indecent behaviour the Enquiry Officer held and rightly that from the evidence produced before him, comprising as it was of statements of Shri K. C. Modgil, S. D. Diwan, H. P. Gupta and Gurbachan Singh that the major part in abusing and threatening Shri Modgil was played by Bhimo and the role of Raghu was secondary. There was, therefore, sufficient justification in taking a serious view against Bhimo and recommending dismissal and a lenient view against Raghu by recommending suspension only. There is no reason to suppose that the punishment of dismissal was recommended against Bhimo because he was Vice President of the Union. It seems to be the other way as Bhimo because of his position in the Union, seems to have developed a conceit and thought that he with impunity he could disobey the orders and had a licence to abuse the Assistant Manager, Shri Modgil. The discretion in awarding punishment rests with the management and unless actuated by any malafides, cannot be interfered with by the Tribunal. On behalf of the workmen, however, reliance is placed on a very recent case of the Hon'ble Supreme Court *M/s G.E.C. (P) Ltd. Naiin Allahabad Vs. Labour Court, Allahabad*

reported in 1969 (18) F.L.R. page 159. The facts of that case are clearly distinguishable. For the previous misconduct or strike on which there had been a settlement, the management recorded the punishment or warning and for the subsequent misconduct which was a token strike for one day only, the management took the previous misconduct into account and recorded a discriminatory punishment against the concerned persons. It was on the peculiar facts of the case that the punishment was held to be mala fide. The following observations made in that case will illustrate the difference:—

"Going on illegal strike, is certainly misconduct, under sub-cl. (2) of Cl. 21, of the Standing Orders of the Company. Under Cl. 22 of the Standing Orders the punishment for misconduct is dismissal, or, in the alternative, suspension, for a period not exceeding four days. If the management had, without any regard to what happened, in respect of the first strike imposed punishment under Cl. 22, in respect of an illegal strike, which is misconduct under Cl. 21(2) of the Standing Orders, after a fair inquiry the punishment, meted out being a managerial function would not be normally interfered with. But, in this case, even the order of dismissal clearly shows that the management has taken into account the previous conduct of the workmen, in having gone on the first strike, and the punishment of warning, administered on May 8, 1964. It is because of this past conduct it is further stated in the order, that the six workmen were being dismissed from service. The finding of the Labour Court is that the management was not entitled to take into account the warning, given on May 8, 1964, in respect of the first strike, in view of the settlement, on March 29, 1964. In view of the fact that the warning has been taken into account, by the management, which it is not entitled to, the punishment of dismissal has been rightly considered, by the Labour Court, to be not bona fide and vindictive. In fact, the Labour Court is also of the view that the punishment is unconscionable, and unjustified."

In the instant case after finding the charges on charge-sheet dated 8th July, 1967 proved the Agent recommended and obtained a separate and distinct order of punishment which was dismissal for Bhimo and suspension for one week against Raghu. The fact that on the charge-sheet dated 21st April, 1967 for incident dated 29th January, 1967 a separate enquiry was subsequently held and approval of an order of dismissal had been obtained against both and the further fact that a combined order for punishment on both charge-sheets was recorded as dismissal against both Bhimo and Raghu will make little difference. While awarding punishment on charge-sheet dated 8th July, 1967, no notice of charge-sheet dated 21st April 1967 had been taken into account. The two are completely separable and ignoring the punishment for charge-sheet dated 21st April, 1967, the punishment for charge-sheet dated 8th July, 1967 would stand against both the workmen.

Decision

The result is that the order of the management dismissing Bhimo is held to be justified. The order of dismissal against Raghu S/o Daya is held to be unjustified. The punishment against him on charge-sheet dated 8th July, 1967 shall be of suspension for a period of one week without wages as had been recorded by the management. The management will not be entitled to take into account the charge-sheet dated 21st April, 1967 for incident dated 29th January 1967 and no punishment can be inflicted therefor. Raghu shall, therefore, be reinstated and shall be entitled to his back wages except for the period of suspension for one week. No order for costs.

(Sd.) G. C. AGARWALA,
Presiding Officer.
5-4-1969.

[No. 5/56/67-LRII 1

S.G. 1880.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 2), Dhanbad, in the industrial dispute between the employers in relation to the management of Hurriladih Colliery, Post Office Bhaga, District Dhanbad and their workmen, which was received by the Central Government on the 28th April, 1969.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2)
AT DHANBAD

PRESENT:

Shri Nandagiri Venkata Rao, Presiding Officer.

REFERENCE No. 237 OF 1967

In the matter of an industrial dispute under Sec. 10(1)(d) of the Industrial Disputes Act, 1947.

PARTIES:

Employers in relation to the management of Hurriladih Colliery, Po
Office Bhaga, District Dhanbad

AND

Their workmen

APPEARANCES:

On behalf of the employers—Shri S. S. Mukherjee, Advocate.

On behalf of the workmen—Shri Shankar Bose, Secretary, Colliery Maz-
door Sangh.

STATE: Bihar,

INDUSTRY: Coal.

Dhanbad, 23rd April, 1969/3rd Vaisakha, 1891 Saka

AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the management of Hurriladih colliery, Post office Bhaga, District Dhanbad and their workmen, by its order No. 2/137/65-LRII dated 19th June, 1967 referred to this Tribunal under Section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below:

SCHEDULE

“(1) Whether the management of Hurriladih colliery Post office Bhaga, district Dhanbad, of Messrs Equitable Coal Company (P) Limited, Post office Dishergarh (District Burdwan) was justified in terminating the services of Shri Lalji Peon, with effect from the 9th July, 1965?

(2) If not, to what relief is the workman entitled?”

2. Employers as well as the workmen filed their statements of demands.

3. Shri Lalji Peon (hereinafter referred to as the affected workman) was an old employee working as a Peon in Hurriladih colliery of the employers. The employers finding the affected workman unfit for work due to physical infirmity sent him to the Sanctoria Hospital for the medical check up. At the Hospital Dr. B. B. Mukherjee examined and declared him unfit for work. Accordingly the employers discharged the affected workman from service offering him a week's wages in lieu of notice through letter dated 9 July 1965. These facts are not in dispute. The case of the workmen is that the Standing Orders governing the service conditions of the affected workman contain no provision for retirement or termination of service of a permanent workman on the ground of his physical unfitness, that the employers got the affected workman examined by their Medical Officer without even telling him the reason therefor and that the affected workman was fit and doing his duties efficiently and is even now fit. Thus, the workmen claimed reinstatement of the affected workman with all his back wages. The employers took a legal objection at the outset to the sustainability of the reference pleading that Hurriladih colliery was closed prior to the date of the reference. They have also urged that in respect of termination of the services of the affected workman the Ministry had previously refused to refer the dispute considering it unfit for reference. On the merits they maintained that Dr. B. B. Mukherjee an eminent physician of one of the best hospital in the Coalfields found the affected workman unfit for work, that the discharge of the affected workman was a discharge simpliciter and that his discharge offering him a week's wages in lieu of notice was justified. The workmen were represented by Shri Shankar Bose, Secretary, Colliery Mazdoor Sangh and the employers by Shri S. S. Mukherjee, Advocate. On admission by the employers the letter of discharge was marked as Ext. W1 and on admission by the workmen, Exts. M1

to M4 were marked. No witness was examined on behalf of the workmen. Employers examined 2 witnesses.

4. In support of the contention of the employers that Hurriladih colliery, wherein the affected workman was employed was closed prior to the date of reference, I find no material on record. Consequently, the legal objection of the employer is over ruled. I also do not find any force in the objection of the employers that previously the Ministry had refused to refer the dispute in respect of the discharge of the affected workman for adjudication and as such the Ministry was not competent to refer the same dispute again. The power of the Government under Section 10(1) of the Industrial Disputes Act, 1947 is unlimited and it can refer a dispute when it is of opinion that an industrial dispute exists or is apprehended. It is unnecessary to consider the question whether the Government having once refused to make a reference and recorded its reasons under Section 12(b), it could make a fresh reference. The Government can always make a reference under Section 10(1) whatever action it might have taken previously under Section 12(5). I find support for this proposition in the decision of the Madras High Court in workmen of Dalmia Cement (Bharat) Ltd. Vs. State of Madras [1968(17) F.L.R. 291]. Hence, this objection also is over ruled.

5. It is an admitted fact that the employers' Medical Officer found the affected workman unfit for work and consequently the employers terminated the services of the affected workman with effect from 9th July, 1965 by the letter, Ext. W. 1. The Medical Officer, Dr. B. B. Mukherjee is examined by the employers as MW. 2. His evidence shows that before signing the certificate, Ext. M3 he had personally examined the person mentioned in the certificate, viz. the affected workman. The finding of the Medical Officer was never challenged. Admittedly, during the conciliation proceedings the employers offered to have the affected workman examined by an independent board of medical officers. But the union representing the affected workman rejected the offer. Even before this Tribunal there is no material brought on record to rebut the testimony of the medical officer, Ext. MW. 2 or the certificate, Ext. M 3 issued by him. Even the affected workman did not come into the witness box to show that he was physically fit for work. At no time was it alleged on behalf of the workmen that the discharge of the affected workman was a *malafide* or prompted with a view to victimise him. As pointed out by the Supreme Court in Tata Oil Mills Company, Ltd. Vs. their workmen (1966-II-L.L.J. 608), normally an employer may, in a proper case, be entitled to exercise his power to terminate the services of his employee in accordance with the contract of employment or provisions in standing orders. Unless it is proved that the order of discharge is punitive or that it is *malafide* or that it amounts to victimisation or unfair labour practice, the order of discharge cannot be set aside. As I have already stated, no allegation is made that the order of discharge in the present case was *malafide* or that it amounted to victimisation or unfair labour practice. Order 21 of the Standing Orders, Ext. M2 says "for terminating employment whether by the management or by an employee notice shall be given in writing by the party concerned. (a) One month's notice for monthly paid staff, (b) One week's notice for weekly paid employees. Through Ext. W. 1 the employers informed the affected workman that on being examined by their medical officer he was found unfit for work and that as such he was discharged on medical grounds with immediate effect offering him payment of a week's wages in lieu of notice. There is no complaint that the wages offered in lieu of notice was not sufficient. I find that the discharge of the affected workman was *bonafide* and that it was in accordance with the standing orders governing his service conditions.

6. I, therefore, find that the management of Hurriladih colliery, Post office Bhaga, District Dhanbad of Messrs Equitable Coal Company (P) Limited, Post office Dishergarh (District Burdwan) was justified in terminating the services of Shri Lalji Peon with effect from the 9th July 1965 and consequently, he is not entitled to any relief. The award is made accordingly and submitted under Section 15 of the Industrial Disputes Act, 1947.

(Sd.) N. VENKATA RAO,
Presiding Officer,
Central Govt. Industrial Tribunal (No. 2),
Dhanbad.

New Delhi, the 9th May 1969

S.O. 1881.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Samla Dalurband Colliery, Post Office Pandaveshwar, District Burdwan and their workmen, which was received by the Central Government on the 28th April, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE NO. 1 OF 1969

PARTIES:

Employers in relation to the Samla Dalurband Colliery,

AND

Their workmen.

PRESENT:

Shri B. N. Banerjee, Presiding Officer.

APPEARANCES:

On behalf of Workmen—Absent.

On behalf of Employers—Shri Sachi Nath Dutt, Manager.

STATE: West Bengal.

INDUSTRY: Coal Mines.

AWARD

By Order No. 6/78/68-LR II, dated November 18, 1968, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred the following dispute between the employers in relation to the Samla Dalurband Colliery and their workmen, to this Tribunal, for adjudication, namely:

"Whether the management of Samla Dalurband Colliery Post Office Pandaveshwar, District Burdwan, was justified in terminating the services of Shri S. K. Bhattacharjee, Medical Officer, from the 4th December, 1967. If not, to what relief is the workman entitled?"

2. The cause of the workman was espoused by a trade union of the name of Khan Shramik Congress, which filed a written statement. The employers also filed another written statement. To-day was fixed as the date of hearing of the reference. Yesterday there was a telegram received from the General Secretary, Khan Shramik Congress to the following effect:

"PRAY ADJOURNMENT REF. NO. 1 OF NINETEENSIXTYNINE. ADVOCATE OUTSTATION. PAPER POLICE CUSTODY. PETITION FOLLOW."

No petition was moved by anybody before this tribunal to-day. On the other hand, a joint petition of compromise was filed by Sachi Nath Dutt, the Manager of the Colliery signed by the workman and one of the Directors of the colliery. It was stated in the petition, that the dispute stood settled between the workman and the management in terms of the compromise and the workman was not willing to pursue his prayer for reinstatement. Sachi Nath Dutt himself deposed in proof of the compromise petition. The workman himself did not appear nor did anybody on behalf of the trade union which espoused the cause. I am satisfied on the materials before me that the dispute between the workman and the management now stands settled in terms of the compromise and there is no further dispute between the parties.

3. I, therefore, record a 'no dispute' award in this matter. Let the petition of compromise form part of this award.

(Sd.) B. N. BANERJEE,
Presiding Officer.

Dated, April 23, 1969.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

IN REFERENCE NO. 1 OF 1969

Employers in relation to Samla Dalurband Colliery

AND

Their workman (Shri S. K. Bhattacharjee, Part-time Doctor).

Joint Petition of Compromise Settlement

The petitioners undersigned, beg to state that the above dispute between Shri S. K. Bhattacharjee, ex Doctor (Part-time) and Samla Dalurband Colliery has been amicably settled on the terms given below:—

1. That Shri S. K. Bhattacharjee, being no longer interested in his service in the above colliery agrees to give up his claim for reinstatement, without any condition.

2. That the Employer pays to Shri S. K. Bhattacharjee, in *ex-gratia*, the amount of Rs. 805/- (Rupees Eight Hundred and Five) only in settlement of all his other claims against the employers abovenamed.

3. That Shri S. K. Bhattacharjee, having received the said amount of Rs. 805/- (Rupees Eight Hundred and Five) only, and the dispute being fully resolved, no longer wants to pursue the case before the Hon'ble Tribunal.

The petitioners, therefore, pray that the Hon'ble Tribunal may be pleased to dispose of the reference in terms of the above settlement and pass the Award accordingly.

And for this the petitioners shall ever pray.

For Workman

(Sd.) SUSHIL KUMAR BHATTACHARJEE,

Ex-Doctor (Part-time),

Samla Dalurband Colliery,

(the workman concerned in the reference).

Dated, Jharia, the 22nd April, 1969.

For Employer

(Sd.) B. L. AGARWALA,

Director,

Samla Dalurband Colliery.

Witnesses

(Sd.) ARJUN PRASAD SINGH,

(Sd.) ANIL KUMAR ROY,

22-4-69

[No. 6/78/68-LRII.]

S.O. 1882.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 3), Dhanbad, in the industrial dispute between the employers in relation to the Kenduadih No. 6 and 8 Pits Colliery of Messrs East Bulliaree Kenduadih Collieries Company (Private) Limited, Post Office Kusunda, District Dhanbad and their workmen, which was received by the Central Government on the 24th April, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 3) AT DHANBAD

REFERENCE NO. 70 OF 1968

PRESENT:

Shri Sachidanand Sinha, M.A. M.L., Presiding Officer.

PARTIES:

Employers in relation to the Kenduadih No. 6 and 8 Pits colliery of M/s East Bulliary Kenduadih Colliery Company Limited

Vs.

Their workmen.

APPEARANCES:

For employers—Shri B. P. Dabra', Chief Personnel Officer.

For workmen—Shri R. Mitra, Secretary, and Sri Anant Sharma, Vice President, Bihar Koyala Mazdoor Sabha.

INDUSTRY: Coal.

STATE: Bihar.

Dhanbad, dated the 8th of April, 1969

AWARD

1. The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Kenduadih No. 6 & 8 Pits colliery of Messrs East Bulliaree Kenduadih Colliery Company Private Limited, Post Office Kusunda, District Dhanbad and their workmen, by its order No. 2/158/66-LRII, dated the 7th of December, 1966 referred the dispute to the Central Government Industrial Tribunal, Dhanbad under section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matter specified in the schedule annexed thereto. The schedule is extracted below:—

SCHEDULE

“Whether the management of Kenduadih No. 6 and 8 pits colliery of M/s East Bulliaree Kenduadih Collieries company (Private) Limited, P.O. Kusunda, District, Dhanbad, was justified in dismissing from service S/Sri Kailu Mian and Bhola Dusadh, Firemen, with effect from the 9th May, 1966? If not, to what relief are the workmen entitled?”

2. The Central Government Industrial Tribunal, Dhanbad registered the reference as reference No. 164 of 1966 on its file. While it was pending there the Central Government by its order No. 8/25/67-LRII dated the 8th of May, 1967, transferred the dispute to the Central Government Industrial Tribunal, No. 2, Dhanbad where it was registered as reference No. 199 of 1967. The Central Government by its subsequent order No. 8/71/68-LRII dated the 13th of August, 1968 transferred the dispute to this tribunal and here it has been renumbered as reference No. 70 of 1968.

3. On 16th September 1968 the employers filed their written statement. Their case is that two pommels of coal cutting machine belonging to the colliery had been stolen from the stores. It was gathered that the said theft was committed by the concerned workmen S/Sri Kailu Mian and Bhola Dusadh along with another workman Sri Dukhan Bhuiyan. The manager of the colliery made a preliminary investigation on 3rd April, 1966. The manager issued chargesheet to three workmen, but since none of them was present at the colliery, a copy thereof was posted on the notice board.

4. A letter dated 7th April 1966 but posted on 11th April 1966, was received from each of the two concerned workmen and in those two letters it was represented by the concerned workmen that they had been rendered idle with effect from 4th April 1966. By the letter dated 14th April 1966 the two concerned workmen were advised at the new address given by them in their aforesaid letter of 7th April 1966 that the chargesheets dated 4th April 1966 could not be served upon them as they had left the colliery without any intimation and therefore, the same had to be posted on the notice board. A copy of the charge sheet dated 4th April 1966 was also sent along with that letter and the concerned workmen were informed that by continuous absence since 4th April 1966 they had committed a further misconduct which they were asked to explain. The workmen in reply denied both the charges and stated that they had been representing themselves for duty every day but were not allowed to resume duty. By letter dated 21st April 1966 the management fixed the enquiry into the charges on 23rd April 1966 at 10 A.M. The workmen failed to attend it and therefore, the evidence of the witnesses on behalf of the management was taken *ex-parte*.

5. On a representation from the concerned workmen that they had received the intimation regarding the date of enquiry after the appointed date a further hearing therefore, was fixed on 5th May 1966 which the workmen attended. On 5th May 1966 the witnesses who had deposed on behalf of the management on 23rd April 1966, were produced, their statements read over and the workmen were asked to cross-examine them, which they did in one case only. The statements of the concerned workmen were also recorded and the statement of one fireman as an independent witness, was also taken. According to the management in the

departmental enquiry it was established that the workmen were guilty of misconducts for which they had been charged and were accordingly dismissed. The management had no ill-will or malice against the workmen and there was no cause or motive for victimisation. The dismissal of the workmen came as a disciplinary measure for the misconducts which they had committed and which was proved in the departmental enquiry held by the management.

6. The Secretary, Bihar-Koyala Mazdoor Sangh filed the written statement on behalf of the workmen on 14th October 1968. Their case is that the concerned workmen were the permanent employees of the management. The management illegally stopped the concerned workman from work with effect from 4th April, 1966 without giving any notice or chargesheet. The concerned workmen submitted petitions to the manager on 7th of April, 1966 by hand but the management refused to give any receipt of the petition. Thereafter the concerned workmen sent a copy of the said letter dated 7th April 1966 under registered post which the management received on 12th of April, 1966. After receiving the petition of the workmen the management issued chargesheet to the concerned workmen. According to the union the management did not hold any proper enquiry and ultimately dismissed the workmen from their service on the basis of a perverse finding with effect from 4th of April, 1966. The concerned workmen were the active members of the trade union and their activities were disliked by the management and that the management had victimised the concerned workmen for their lawful trade union activities by dismissing them and that the management has violated the principles of natural justice in conducting the departmental enquiry.

7. The management has examined one witness viz. Sri L. N. Dubey, the manager of the colliery MW-1. On behalf of the management 13 items of documents were exhibited and they are marked as Ext. M-1 to M-13. On behalf of the workmen one witness was examined viz. Sri Kailu Mian, the concerned workmen and five items of documents were marked as Ext. W-1 to W-5.

8. The point for consideration in this reference is whether the dismissal from service of Sri Kailu Mian and Bhola Dusadh, fireman with effect from the 9th May, 1966 was justified?

9. The case of the management is that two pommels of coal cutting machine belonging to the colliery were stolen. The concerned two workmen were suspected of theft and the manager of the colliery issued chargesheet on 4th April 1966. According to the management since none of the two concerned workmen were present at the colliery and therefore, the copy of the chargesheet was posted on the notice board also. Ext. M-1 is the copy of the aforesaid chargesheet. The charge was that these two concerned workmen in collusion with some others stolen two C.C.M. pommels from the colliery store, which constituted a misconduct as per para 27(2) of the Standing Orders. A letter dated 7th of April, 1966 written by the concerned workmen Kailu Mian, fireman was addressed to the manager of the colliery. It was posted at Bansjora Post Office on 11th April 1966 and was received by the management on 12th April 1966. Similarly another letter dated 7th April 1966 by Bho'a Dusadh was addressed to the manager, was received by the management. This letter was also posted at Bansjora Post Office on 11th April 1966 and it was received by the management on 14th April 1966 (*vide ext.*, M-2 and M-5). According to the management the concerned workmen were deliberately absenting themselves from work. Since they were not present at the colliery the chargesheet had been posted on the notice board. The letter Ext. M-2 and M-5 had been posted at Bansjora Post Office and not at Kusunda Post Office though the concerned workmen were resident of Chhatatand Bazar, Post Office Kusunda. According to the management these letters were deliberately back-dated as 7th of April, 1966. It was never their intention to report for duty. In order to take a defence they found it expedient to send such letter. According to the management the concerned workmen had left the colliery without intimation to the management about their proper address but when the management received the two letters Ext. M-2 and M-5 from the concerned workmen, they sent another letter dated 14th April 1966 to the concerned workmen Kailu Mian (*vide Ext. M-3*) and another letter dated 14th April 1966 to Sri Bhola Dusadh (*vide Ext. M-6*). In those two letters (Ext. M-3 and M-6) it was stated that since they had left the colliery without giving any intimation to the management the chargesheet dated 4th April 1966 could not be served on them and therefore, it was placed on the colliery's notice board. The chargesheets dated 4th April 1966 was enclosed along with that letter. A further charge was levelled against the concerned workmen that they had been absenting themselves from duty without permission of the management since 4th April 1966 which amounted to misconduct as per Standing Orders. The charges were denied by Kailu Mian (*vide Ext. M-4*).

and Bhola Dusadh by Ext. M-7. In his reply to the charges Kailu Mian stated that he had not stolen the two C.C.M. pommels from the colliery store and that he had been representing himself for duty every day since 4th April 1966. Similarly Sri Bhola Dusadh in his letter dated 17th of April, 1966 denied that he has not stolen the two C.C.M. pommels from the colliery store and that he has been representing himself for duty every day since 4th April 1966. But he was not allowed to work. By letter dated 21st April 1966 the concerned workmen were told that the enquiry will be held at the **Manager's office on the 23rd of April 1966**. On 23rd April 1966 the concerned workmen failed to attend the enquiry with the result that the evidence of the witnesses on behalf of the management were taken ex-parte. (On 23rd April 1966 the following witnesses were examined viz. (1) Sri K. P. Banerjee, Engineer (2) Sri Gupteshwar Choubey, Electrician (3) Ram Prasad Ahir, Watchman (4) Sri Moti Mali and (5) Sri L. N. Dubey, Manager. The workmen were not present and therefore, the question of the witnesses being cross-examined by the workmen did not arise. The workmen represented before the management that the letter dated 21st April 1966 intimating that the enquiry will be held on the 23rd of April, 1966 at 10 A.M. was received by them on the 27th of April, 1966 and therefore, the concerned workmen requested the management to fix up another date of enquiry. The management allowed the representation of the concerned workmen and directed the concerned workmen to attend the enquiry to be held in the office of the manager on Thursday morning at 9-30 A.M. on the 5th of May, 1966. The enquiry was held on 5th May 1966 and the witnesses who were already examined by the enquiring officer on 23rd April 1966 were tendered for cross-examination by the management. It appears that Bhola Dusadh cross-examined only one witness namely Sri Gupteshwar Choubey, Electrician though he was not cross-examined by Sri Kailu Mian. The other witness viz. Sri K. P. Banerjee, Engineer, Ram Pd. Ahir, Watchman, Moti Mali, L. N. Dubey, Manager were tendered for cross examination but the concerned workmen declined to cross-examine them. Thereafter the statement of Sri Kailu Mian and Sri Bhola Dusadh, the concerned workmen were taken by the enquiring officer and the statements of Sri Dhanukhdhari Bind were also recorded as an independent witness. Sri B. P. Dubral, the Chief Personnel Officer, who conducted the enquiry came to the conclusion that it was proved by the evidence of Sri K. P. Banerjee, Electrician and Sri L. N. Dubey, Manager that the concerned workmen were absent from duty with effect from 4th April 1966 till the date of enquiry i.e. 23rd April 1966. He further held from the evidence of Sri K. P. Banerjee, Sri Gupteshwar Choubey, Ram Prasad Ahir, Moti Mali that the accused workmen were involved in the theft of the two pommels. He further found that even the statement of the two concerned workmen pointed out towards the guilt. He therefore, held the concerned workmen guilty and recommended dismissal of the concerned workmen.

10. In all cases where an employer wishes to take disciplinary action against an employee, the only obligation on the part of the employer is to have a proper enquiry into the alleged misconduct of the employee. The guiding principle is that the enquiry should be conducted with due adherence to the principles of natural justice i.e. without any bias, giving the opportunity to the employee for adequately representing his case.

11. It was submitted before me that it is one of the fundamental principles of natural justice that the enquiry should be held in the presence of the employee and not behind his back. In the instant case it was pointed out to me that the statement of the witnesses for the management were taken behind the back of the concerned workmen and therefore the enquiry is vitiated. It was submitted before me that all the witnesses on whose testimony the management relied in support of the charge against the workmen were examined behind their back.

12. In this case I find that the statement of the witnesses were not prepared and written down in the absence of the concerned workmen. These witnesses were examined before the enquiry officer on 23rd April 1966. The witnesses made statement before the enquiring officer on 23rd April 1966. It was submitted before me on behalf of the management that since the workmen had been absenting from some-time past the management felt that the workmen were evading enquiry and therefore, the enquiry was held *ex-parte* on 23rd April 1966. On representation by the workmen further enquiry was held on 5th May 1966 when the witnesses who were already examined on 23rd April 1966 were produced before the enquiring officer and the concerned workmen were given opportunity to cross-examine them.

13. In this particular case the statements were recorded by the enquiring officer himself and the same witnesses were tendered by the management in order to cross-examine by the concerned workmen. Under such circumstances their statements shall not be deemed to be statement recorded behind their back. The management by tendering the witnesses gave opportunity to the concerned workmen to cross-examine those witnesses. In such circumstances the statement of the witnesses cannot be said to be recorded behind back of the concerned workmen.

14. There is no sufficient evidence on the point of victimisation as well. Victimisation means that where the concerned workman is innocent and yet he is being punished because he has in some way displeased the employer for example, by being an active member of a union of workmen who were acting prejudicially to the employer's interest. It is not open to an employer to punish or dismiss his employee solely or principally for the reason that he had joined a trade union. Where, therefore, the circumstances that an employee had joined a trade union had at least partially weighed with the employer, it would be an act of victimisation and the punishment inflicted on the workman on this consideration would be unjustified.

15. MW-1 Sri Kailu Mian has stated in his evidence before me that the manager told him to give up the membership of the Red Flag Union otherwise he will be dismissed. MW-1 Sri L. N. Dubey, the manager of the colliery on the other hand stated in his evidence that he is not aware that the concerned workmen Sri Bhola Dusadh and Kailu Mian were the members of Bihar Koyala Mazdoor Sangh or of any union at all. Therefore, I find that no case of victimisation has been made out by the union.

16. It is now well settled that if an employer serves the relevant charge on his employee and holds a proper and fair enquiry, it would be open to him to act upon the report submitted to him by the enquiring officer and to dismiss the employee concerned. There is no evidence that the conclusion reached at the departmental enquiry by the enquiring officer was perverse or the imputed dismissal is vindictive or mala fide, and amounted to victimisation. Moreover, if the enquiry is good and the conduct of the management is not mala fide or vindictive, then of course the tribunal would not try to examine the merits of the findings as though sitting in appeal over the conclusion of the enquiring officer.

17. I therefore, hold that the management of Kenduadih No. 6 and 8 Pits colliery was justified in dismissing from service S/Sri Kallu Mian and Bhola Dusadh, Firemen, with effect from the 9th May, 1966 and they are not entitled to any relief.

18. This is my award. It may be submitted to the Central Government under section 15 of the Industrial Disputes Act, 1947.

(Sd.) SACHIDANAND SINHA,

Presiding Officer.

[No. 2/158/66-LRII.]

S.O. 1883.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Patmohana Colliery owned by Messrs Patmohana and Bharatchak Collieries (Private) Limited, Post Office Sitarampur, District Burdwan and their workmen, which was received by the Central Government on the 28th April, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 59 OF 1968

PARTIES :

Employers in relation to the management of Patmohana Colliery.

AND

Their workmen.

PRESENT :

Shri B. N. Banerjee, Presiding Officer.

APPEARANCES :

On behalf of Employers—Shri M. P. Baliassi, Chief Personnel Officer.

On behalf of Workmen—Absent.

STATE: West Bengal.

INDUSTRY: Coal Mine.

AWARD

By Order No. 6/99/68-LR.II., dated December 18, 1968, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) referred the following dispute between the employers in relation to the management of Patmohna Colliery and their workmen, to this tribunal, for adjudication, namely :—

“Whether the management of Patmohna Colliery owned by Messrs Patmohna and Bharatchak Collieries (Private) Limited, Post Office Sitarampur, District Burdwan, was justified in retrenching the workmen shown in the schedule below with effect from the 19th August, 1968?

- | | |
|---------------------------|-----------------------|
| 1. Shri Nabijan Mia | C.C. Machine Driver. |
| 2. Shri Kunj Behari Singh | -do- |
| 3. Shri Birju Rana | C.C. Machine Mazdoor. |
| 4. Shri Udayraj Singh | -do- |
| 5. Shri Ramsurath Singh | -do- |
| 6. Shri Gorakh Harijan | -do- |

If not, to what relief are these workmen entitled?”

2. Both the workmen and the employers filed their respective written statement. On April 11, 1969, which was the date fixed for hearing of the reference, there was one witness examined on behalf of the employers. Then the case stood adjourned till today, so as to examine Mr. B. M. Verma, one of the Directors of the colliery company. At the resumed hearing today, there was a joint petition of compromise filed before this tribunal settling the dispute. Mr. M. P. Baliassi, Chief Personnel Officer of the Colliery, and Mr. B. M. Verma, one of the Directors of the employer coal company, proved the petition of settlement. Now that the dispute between the parties stands settled and that there is no further dispute between the parties. I make an award in terms of the settlement.

Let the petition of settlement form part of this award.

(Sd.) B. N. BANERJEE,
Presiding Officer.

Dated April 24, 1969

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CALCUTTA

REFERENCE No 59 OF 1968

Employers in relation to Patmohna Colliery.

AND

Their Workmen.

The humble joint petition of the parties abovenamed most respectfully sheweth:

1. That the instant reference has been mutually settled by and between the parties on the following terms and conditions:—

- That no dispute exists relating to the two Workmen viz., Sarbashri Kunj Behari Singh and Birju Rana as they have already been reinstated.
- That Sarbashri Nabijan Mia, Udayraj Singh, Ramsurath Singh and Gorakh Harijan will be reinstated on and from 1st May, 1969
- That on reinstatement all the four workmen mentioned in paragraph (b) above will be given alternate jobs on time-rated scale as the employers think fit and proper and the respective workmen will be paid wages of the categories to which they are offered jobs.
- That period of unemployment of the above four workmen will be treated as absence on leave without pay.
- That the above named four workmen will be paid Rs. 100/- (Rupees one hundred only) each as ex-gratia payment.

In the circumstances the parties pray that the Hon'ble Tribunal be pleased to pass an Award in terms of the above compromise.

And as in duty bound the parties shall ever pray.

Dated, 24th April, 1969.

Representing Workmen.

(Sd.) SUNAL SEN,

Organising Secretary,

Colliery Mazdoor Sabha,

Asansol.

Representing Employers.

(Sd.) M. P. BALASI,

Chief Personnel Officer,

Patmohna & Bharatchak

Collieries Co. (P) Ltd.

[No. 6/99/68-LRII.]

New Delhi, the 12th May 1969

S.O. 1884.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Ghusick Muslia Collieries and West Ghusick Coal Company Limited, Post Office Kalipahari, District Burdwan and their workmen, which was received by the Central Government on the 28th April, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA.

REFERENCE No. 45 of 1968

PARTIES:

Employers in relation to the Ghusick Muslia Collieries and West Ghusick Coal Company Limited.

AND

Their workmen.

PRESENT

Shri B. N. Banerjee, Presiding Officer.

APPEARANCES:

On behalf of Employers—Shri M. P. Roy, Group Personnel Officer.

On behalf of Workmen—Shri Sadhan Gupta, Advisor, instructed by Shri Bishnu Malkhandi, Vice-President of Colliery Mazdoor Sabha.

STATE: West Bengal.

INDUSTRY: Coal Mine.

AWARD

By Order No. 6/38/68-LRII dated September 23, 1963, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred the following dispute between the employers in relation to the Ghusick Muslia Collieries and West Ghusick Coal Company Limited and their workmen, to this tribunal, for adjudication, namely :

“Whether the management of Messrs Ghusick and Muslia Collieries Limited and West Ghusick Coal Company Limited were justified in superannuating the following 26 workmen with effect from the 24th February, 1968. If not, to what relief are the workmen entitled?

S. No.	Name & Designation	Name of the Colliery
1	2	3
1.	Sri Kamakhya Chand, Line Mistry	Radhamadhabpur Colliery
2.	Sri Bahadur, Night Guard	„
3.	Harishi Gorai, Body Searcher	„
4.	Badri Narayan Singh, Peon	„
5.	Upendra Nath Karmakar, Electric Fitter	„
6.	Mahabir Paswan, Sr. Trammer	„
7.	Gajo Paswan, On-setter	„

1	2	3
8. Ramrup Nunia, Sr. Trammer		Radhamadhabpur Colliery
9. Sadaugar Nunia, Banksman		"
10. Ajodhya Paswan (1), Sr. Trammer		"
11. Sew Dhari Gorari, Night Guard		"
12. Bhupati Nath Barman, Attendance Clerk		"
13. Kesho Dhuri—Ug. Trammer		"
14. Natha Bauri, Line Mistry		"
15. Kunaresh Banerjee, Store-keeper		"
16. Rama Paswan, Sr. Trammer		"
17. Damadar Karmakar, Head Fitter, Workshop		"
18. Rash Behari Hazra—Fitter		"
19. Ram Charit Turi—Fitter		"
20. Manindra Karmakar—Boiler Mistry		"
21. Pankhi Roy Switch, Attendance		"
22. Mahadeb Singh—Attendance Clerk		Ghusick Colliery
23. Ramapada Hazra—Auditor Central Office		"
24. Amrit Barohi, Carpenter		Kalipahari Colliery
25. Suresh Palit, Cashier		New Gusick Colliery
26. G. J. Mackartich, General Assistant		Kalipahari Colliery"

2 The Colliery Mazdoor Sabha, which espoused the cause of the workmen, filed a written statement on behalf of the workmen. In paragraph 6 of the written statement, it was stated that the employer company had no certified Standing Order, as required under the Industrial Employment (Standing Orders) Act, 1946. The above plea was taken in the written statement apparently to emphasise upon the fact that the employer had no service rule providing for superannuation. In paragraph 8 of the written statement, it was stated:

"8. On or about 16th February 1968 all on a sudden the Agent of the Companies as aforesaid issued letters to the 26 workmen stating, inter alia, that they are superannuated and therefore their services ceased with effect from 24th February, 1968."

In paragraph 10 of the written statement, it was further stated:

"10. All the 26 workmen are physically fit and hardworking and suffer from no disabilities or incapacities. It is significant that the workmen were served only with 8 days notice to retire from services."

The main grievances made by the workmen, in their written statement, were:

- (i) that in the absence of any rule as to superannuation in the colliery concerned, the workmen should not have been superannuated;
- (ii) that the practice prevailing in the coal industry allowed the workmen to continue as long as they were physically capable and medically fit;
- (iii) that in the absence of adequate retiral benefits, the workmen should not have been suddenly superannuated as done in the instant case; and
- (iv) that the Agent of the employer company acted arbitrarily illegally and malafide in issuing the notices purporting to superannuate the workmen.

The relief claimed by the workmen was reinstatement with back wages.

3. The management also filed a written statement. It was stated in paragraph 2 of the said written statement, that 30 workmen were ordered to be superannuated and amongst them six accepted the order voluntarily. Of the persons who accepted the order of superannuation, three are included in the order of reference, namely Kamakhya Chand (Sl. No. 1), Sew Dhari Gorari (Sl. No. 11) and Amrit Barohi (Sl. No. 24). As regards the latter, it was contended, they having had accepted the order of superannuation, with benefits attached thereto, should not be allowed to agitate the dispute in the present reference. In paragraphs 6 and 7 of the written statement, it was stated:

"6. *** the Companies submit that the workmen concerned in this Reference attained the age of 60 years and all are over 60 years of age and so they were retired and letters were issued to them informing them about their superannuation.

Old age has its natural adverse effect on the physical fitness and mental alertness. Hard work and full efficiency could not be expected from workmen who have attained the age over 55 years. Therefore, it is not correct that the superannuated workmen are physically fit and hard working and suffer from no disabilities and incapacities.

7. The Companies further submit that in the interest of efficiency in work and to provide employment to the unemployed youngmen, superannuation of workmen of the age over 55 years is necessary for good administration and work and is a healthy and beneficial step towards and for the good of the nation.

Such Superannuation cannot and should not be considered as unfair and unjust when the matter is viewed in the light thrown by Regulation 28 of the Coal Mines Regulations, 1957 and also in the light of the Superannuation rules observed and followed in Government services and elsewhere."

4. It is in the background of these pleadings that I have to decide the present reference. Only one witness was examined on behalf of the management, namely, Somesh Chandra Bhattacharjee, a Senior clerk. In answer to a question put by the Tribunal about the Standing Orders of the company, he said:

"The Company has no separate standing order of its own. All actions are taken in accordance with the Model Standing Orders. I do not know whether the Model Standing Orders were at all accepted or adopted by the management. The Model Standing Orders, however, do not contain any provision as to superannuation."

He was shown the notice of superannuation (Ext. A series), one of which is set out hereim below:

"As you have attained and crossed the age of 60 years, you are considered not eligible to remain in service, and you are hereby superannuated. Your services ceases with effect from 24th February, 1963. You are hereby required to take payment of all your dues upto 24th February, 1968 in full and final settlement at the colliery office.

You are invited to make representation, if you think fit, corroborated by documentary evidence of age within 48 hours of the receipt of this letter."

The witness was questioned on the last paragraph of the said notice. He answered with very great frankness to a question put by the Tribunal:

"I do not know why the workers were asked to retire because they had crossed their 60th year."

On behalf of the workmen no witness was examined.

5. Here, there is a case where workmen had long been in the service of the employer company (*vide* the evidence of Somesh Chandra Bhattacharjee). There is no evidence that they became physically or medically unfit in the service of the employer. The mere fact that they 'attained and crossed the age 60 years' actuated the management to serve notices of superannuation upon the workmen, irrespective of their physical condition or usefulness.

6. Mr. M. P. Roy, Group Personnel Officer, who appeared on behalf of the employer company, submitted that it was the policy of the employer company to superannuate people on crossing the age of 60 years for the purpose of maintaining efficiency of service. He further submitted that the action was taken in accordance with the provisions of the Model Standing Orders and Regulation 28 of the Coal Mines Regulations, 1957, which letter was couched in the following language:

"28. Retirement age for managers and officials etc., (1) No person shall act as a manager or an official or a shot-firer or a winding engineman in a mine after attaining the age of 60 years unless he has obtained, within the preceding one year, a medical certificate of fitness certifying him fit to carry out the duties prescribed for him in the Act and in these regulations and orders made thereunder:

Provided * * * xxx"

7. I am unable to accept any of the arguments advanced by Mr. Roy. Superannuation is ordinarily governed by contract. It must be done according to service rules or according to service contracts. There are no service-contracts between employers and employee in the instant matter. The employers cannot also fall

back upon the Model Standing Orders, as serving the purposes of service rules, for a two-fold reason. In the first place, the Model Standing Orders do not appear to have at all been adopted by the employers as their own Standing Orders. In the second place, there is nothing contained in the Model Standing Orders about the age of superannuation. Lastly, regulation 28 of the Coal Mines Regulations has little relevancy in the present context. That regulation refers to named officers, that is to say, a manager or an official or a shot-firer or a winding engine-man. The workers named in the order of reference do not come under any of those classes. That being so, the employers are left with nothing on which the orders of superannuation could be justified. It is also not the case of the employers that the workmen became physically derelict or medically unfit. The mere fact that they reached the age of 60 years will not go to show that they became bodily infirm to work in mines. Thus, I am compelled to hold that in the facts of the instant case the workmen were retired at the mere whim of the management, without sufficient or justified reason.

8. In the view that I take, I hold that the management of Messrs Ghusick and Muslia Colliery and West Ghusick Coal Company Limited were not justified in superannuating the workmen named in the schedule to the order of reference with effect from 24th February, 1968. That being so, the workmen are entitled to reinstatement with back wages from February 24, 1968, excepting those who voluntarily accepted the order of superannuation and accepted the benefits of retirement, namely, Kamakhya Chand (Sl. No. 1) and Saw Dhari Gorari (Sl. No. 11) and Amrit Barohi (Sl. No. 24), which latter fact was not disputed before me.

This is my award.

Sd./ B. N. BANERJEE,
Presiding Officer.

Dated, April 24, 1969.

[No. 6/38/68-LRII]

ORDERS

New Delhi, the 1st May 1969

S.O 1885.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Chora 7 and 9 Pits Colliery of Messrs Chora Colliery, Post Office Bahula, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Chora 7 and 9 Pits Colliery was justified in charge-sheeting and dismissing the following workers with effect from the 1st February, 1969?

Loader

1. Shri Jagpato Passi.
2. Shri Dinanath Rajbhar.
3. Shri Sarjoo Passi.
4. Shri Siyaram Passi.
5. Shri Dubra Passi.
6. Shri Hublal Passi.
7. Shri Ramdeo Passi.
8. Shri Ramsarup Yadab.

Trammer

9. Shri Narayan Gope.
10. Shri Baleswar Mahato.
11. Shri Narayan Thakar.
12. Shri Ramsarup Keot.
13. Shri Sitaram Keot.

Loader

14. Shri Matadin Passi
15. Shri Dena Passi.
16. Shri Bhagwati.
17. Shri Banshilal Passi.
18. Shri Gaital Passi.
19. Shri Motilal Passi.
20. Shri Sharju Dhari.
21. Shri Rajkumar Mahato.

Trammer

22. Shri Jhanki Thakur.

Loader

23. Shri Biswanath Rajbhar.
24. Shri Jhinguri Rajbhar.
25. Shri Chinoo Passi.
26. Shri Ramdeo Dusad.
27. Shri Dwarika Nonia.
28. Shri Jageshwar Passi.

Trammer

29. Shri Prabhu Keot.

Loader

30. Shri Bisram Passi
31. Shri Rambalak Keot.

Trammer

32. Shri Jharla Nunia.

If not, to what relief are the workmen entitled?

[No. 6/16/69-LRII.]

New Delhi, the 6th May 1969

S.O. 1886.—Whereas the Central Government is of the opinion that an industrial dispute exists between the employer in relation to the Ballarpur Collieries Company, Post Office Ballarpur, District Chanda (Madhya Pradesh) and their workman in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri G. V. Dev, as Presiding Officer with headquarters at Nagpur and refers the said dispute for adjudication to the said Industrial Tribunal.

SCHEDULE

Whether the management of Ballarpur Colliery, Ballarpur, District Chanda was justified in terminating the employment of Shri Narsayya Ranvayya with effect from the 13th March, 1968? If not, to what relief is the workman entitled?

[No. 5/11/69-LRII.]

BALWANT SINGH, Under Secy.

(Department of Labour and Employment)

New Delhi, the 8th May 1969

S.O. 1887.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government, having regard to the location of Hanger No. 6, Juju Airport, maintenance section of the Department of Aviation Bombay, in an implemented area, hereby exempts the said factory from the payment of the employers' special contribution leviable under Chapter

VA of the said Act for a further period of one year upto and inclusive of the 29th January, 1970.

[No. F.6(27)/69-HI.]

S.O. 1888—Whereas the State Government of Orissa has, in pursuance of clause (d) of sub-section (1) of section 10 of the Employees' State Insurance Act, 1948 (34 of 1948), nominated Dr. D. Mohapatra, Administrative Medical Officer, Employees' State Insurance Scheme, Government of Orissa, to be a member of the Medical Benefit Council in place of Dr. B. M. Nanda;

Now, therefore, in pursuance of sub-section (1) of section 10 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment in the notification of the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2899, dated the 27th September, 1966, namely:—

In the said notification, under the heading "Nominated by the State Governments concerned under clause (d) of sub-section (1) of section 10", for the entry against item (13), the following entry shall be substituted, namely:—

"Dr. D. Mohapatra, Administrative Medical Officer, Employees' State Insurance Scheme, Government of Orissa, Bhubaneswar."

[No. F.3(3)/69-HI.]

S.O. 1889.—In exercise of the powers conferred by section 88 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts the following Central Government employees on deputation with the Hindustan Housing Factory Limited, New Delhi from the operation of the said Act for a further period of one year upto and inclusive of the 14th January, 1970, subject to the conditions specified in paragraph 2 below:—

Serial No.	Name	Designation
1.	Shri B. R. Gupta	Stenographer
2.	Shri B. S. Chadha	Overseer
3.	Shri Jagmohan Lal	Stenographer
4.	Shri Jeewan Das	Stenographer
5.	Shri O. P. Bhatia	Upper Division Clerk.

2. (i) The aforesaid factory shall maintain a register showing the names and designations of the employees; and

(ii) that, notwithstanding this exemption, the employees shall continue to receive such benefits under the said Act to which they might have qualified on the basis of contributions paid before the dates of exemption.

[No. F.6/17/66-HI.]

S.O. 1890.—In pursuance of clause (c) of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby nominates Shri P. M. Nayak, Secretary to the Government of India, Department of Labour and Employment, to be a member of the Employees' State Insurance Corporation, and makes the following further amendment in the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) S.O. No. 2551, dated the 9th August, 1966, namely:—

In the said notification, under the heading "(Nominated by the Central Government under clause (c) of Section 4)" for the entry against item 5, the following entry shall be substituted, namely:—

"Shri P. M. Nayak, Secretary to the Government of India, Department of Labour and Employment, New Delhi."

[No. F.3/2/69-HI.]

S.O. 1891.—In pursuance of clause (b) of section 8 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby nominates Shri P. M. Nayak, Secretary to the Government of India, Department of Labour and

Employment, to be a member of the Standing Committee of the Employees' State Insurance Corporation, and makes the following amendment in the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 995 dated the 1st March, 1969, namely:—

In the said notification, under the heading "(Nominated by the Central Government under clause (b) of section 8)" for the entry against item 2, the following entry shall be substituted, namely:—

"Shri P. M. Nayak, Secretary to the Government of India, Department of Labour and Employment, New Delhi."

[No. F. 3/2/69-HI-(ii).]

DALJIT SINGH, Under Secy.

श्रम, रोजगार और पुनर्वास मंत्रालय

(श्रम और रोजगार विभाग)

नई दिल्ली, 8 मई, 1969

क्र० प्र० 1892.—डॉक कर्मकार (नियोजन का विनियमन) अधिनियम, 1948 (1948 का 9) की धारा 8 की उपधाराओं (1) और (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए; केन्द्रीय सरकार डॉक कर्मकार (नियोजन का विनियमन) नियम, 1962 में अतिरिक्त संशोधन करने के लिए एतद्वारा निम्नलिखित नियम बनाती है, अर्थात् —

1. संक्षिप्त नाम—(i) ये नियम डॉक कर्मकार (नियोजन का विनियमन) संशोधन नियम, 1969 कहे जा सकेंगे।

(ii) ये शासकीय राजपत्र में अपने प्रकाशन की तरीख की प्रवृत्त हो जाएँगे।

2. डॉक कर्मकार (नियोजन का विनियमन) नियम, 1962 (जिसे इसमें इसके पश्चात् उक्त नियम कहा गया है) के नियम 3 खंड (2) में 'विजगापटम' शब्द के लिए 'विशाखापटनम' शब्द प्रतिस्थापित किया जाएगा।

3. उक्त नियमों के नियम 7 के उपखण्ड (1) में 'विजगापटम' शब्द के लिए 'विशाखापटनम' शब्द प्रतिस्थापित किया जाएगा।

[सं० 56/16 68—कारख०—2]

के० डी० हजेला, अवर सचिव।

(Department of Labour and Employment)

New Delhi, the 9th May 1969

S.O. 1893.—In exercise of the powers conferred by sub-clause (1) of clause 4 of the Kandla Unregistered Dock Workers (Regulation of Employment) Scheme, 1968, and in supersession of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), No. S.O. 3898, dated the 31st October, 1968, the Central Government hereby appoints an Administrative Body, consisting of the following officials of the Food Corporation of India for the purpose of carrying on the day-to-day administration of the said Scheme, namely:—

- (1) The Senior Deputy Manager (Port Operation), Kandla.
- (2) The Deputy Manager (Accounts), Kandla.
- (3) The Senior Assistant Manager (Labour), Kandla.

[No. 58/3/68-Fac. II.]

K. D. HAJELA, Under Secy,

(Department of Labour and Employment)*New Delhi, the 9th May 1969*

S.O. 1894.—In exercise of the powers conferred by sub-section (2) of section 33C of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 4650, dated the 19th December, 1967, namely:—

In the Table annexed to the said notification,

for S. No. 14 and the entries relating thereto, the following S. No. and entries shall be substituted, namely:—

“14. Labour Court, Allahabad constituted under section 7 of the said Act. by the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 1683 dated the 14th April, 1969.

The State of Uttar Pradesh.

[No. F. 1/23/69-LRI.]

S.O. 1895.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Delhi in the industrial dispute between the employers in relation to the United Commercial Bank Limited and their workmen, which was received by the Central Government on the 28th April, 1969.

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DELHI.

PRESENT

Shri R. K. Baweja, Central Government Industrial Tribunal, Delhi.

Dated the 18th April, 1969

CG. I.D. No. 7 of 1968

BETWEEN

The employers in relation to the United Commercial Bank Limited, Nizamuddin,

AND

Their workman through the United Commercial Bank Employees' Union, C/o. United Commercial Bank Ltd., Parliament Street, New Delhi.

Shri B. R. Ghaiye.—for the Bank/management.

Shri M. S. Gupta.—for the workman/union.

AWARD

Vide Order No. 23/52/68/LRII dated the 26th of August, 1968, the Central Government, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred the following industrial dispute existing between the United Commercial Bank Limited, Nizamuddin (hereinafter to be referred as management), and their workman through the United Commercial Bank Employees Union (hereinafter to be referred as union), for adjudication to this Tribunal:—

“Whether the action of the management of the United Commercial Bank Limited in not allowing Shri Lakshmi Dutt, peon, Nizamuddin branch to work as Daftry in leave vacancy with effect from the 22nd April, 1968 was justified? If not to what relief is the workman entitled?”

2. In the statement of claim filed by the union on behalf of the workman, it was alleged that Shri Lakshmi Dutt was appointed in the service of the management on the 8th of February, 1962 as a member of the subordinate staff and was

posted in its Karol Bagh branch. On the 16th of December, 1966 a new branch of the bank was opened at Nizamuddin and it is stated that the workman on his transfer from the Karol Bagh branch was given a gentleman's assurance by the regional manager, Shri N. Bhattacharya that he would be given a special allowance of Rs. 15 per month granted to a Daftry in terms of the Bipartite settlement. It is further averred that the branch manager at Nizamuddin was interested in somebody else and so, got one Shri Kedar Singh transferred to his branch in February, 1967 and instructed him to work as a Daftry instead of the workman who was already performing the said duty to the entire satisfaction of the management. The request of the workman to work as a Daftry was not conceded by the management, though he was senior most in the branch at Nizamuddin. Shri Kedar Singh proceeded on two months leave from the 22nd of April, 1968 and in his place, one Shri M. S. Rao, a junior peon in the branch was permitted to work as daftry for the said period. The union states that this was done with a view to harass the workman who was senior to Shri M. S. Rao and that this action of the manager was void, illegal and unjustified.

3. The management in its written statement admitted that the workman was a peon in the Karol Bagh branch and was transferred to the Nizamuddin branch at its start on the 16th of December, 1966 on his request. But it was pleaded that no such assurance was given to him that he would be appointed daftry on his transfer. It was conceded that till the time, Shri Kedar Singh joined that branch as daftry, a sum of Rs. 58.92 was paid to Shri Lakshmi Dutt on the 24th of August, 1967 in full and final settlement and he gave in writing that no claim whatsoever in respect of the said period for his working as daftry would be made by him. It was further stated that Shri Kedar Singh went on two months' leave with effect from the 22nd of April, 1968 and in his place Shri M. S. Rao was allowed to work and was given the daftry allowance for the additional duty performed by him. Though he was junior, according to the management, he was better suited for the job. It was also stated that the workman had no legal right to be given the daftry allowance when his work was not satisfactory and that the management was justified in posting Shri M. S. Rao for a period of two months. Another objection was raised that the statement of claim filed by the union on behalf of the workman did not disclose any cause of action. A rejoinder was also filed by the union in which these pleas raised by the management were controverted. On the above pleadings of the parties, the following two issues were framed and issue No. 2 was the same as the term of reference:—

(1) Whether the statement of claim does not disclose any cause of action?
If so, its effect.

(2) As the term of reference.

Issue No. 1:

4 No arguments were addressed on this issue and on the face of it the statement of claim discloses a cause of action. The issue is, therefore, decided against the management.

Issue No. 2 (Term of Reference):

5. The facts in this case are more or less admitted. Shri Kedar Singh who joined the Nizamuddin branch of the management in February, 1967 as daftry was senior to the workman. He proceeded on two months leave with effect from the 22nd of April, 1968 and in his place one Shri M. S. Rao, who was a peon junior to the workman was posted. It is conceded that the pay-scales of the daftry and the peon are the same but a daftry gets an additional allowance of Rs. 15 per month. The question for determination is, whether the management is debarred from filling up the post of a daftry for a short period of two months by a junior peon whom it considered to be more suitable for the job. On behalf of the workman no oral evidence was led but the management produced the manager of the Nizamuddin branch. He deposed that the concerned workman had no sufficient knowledge of English to discharge the duties of a daftry and was not proficient in binding and stitching of vouchers. He further added that he damaged the stitching of papers previously when he worked as such for a short period. He further stated that the performance of the workman during that period was poor. There is no evidence on the record to substantiate this allegation of the workman that on his transfer from Karol Bagh branch to the Nizamuddin branch, he was given an assurance by the management that he would be posted as daftry. In the absence of any evidence to substantiate this averment, there is no reason as to why the sworn testimony of the witness who is branch manager of the management be disbelieved. The manager considered that the workman was not up to the mark to work as daftry on account of his

poor performance and insufficient knowledge of English. There is nothing on the record to suggest that for the short period which made a difference of Rs. 30 only, he was harassed by the manager as he alleges and in order to victimise him a junior peon was given this chance. The learned representative of the workman drew my attention to the promotion policy in the management which came into force on the 9th of December, 1968. There, in para. V(3), which relates to the temporary performance of duties carrying a functional special allowance, it is mentioned that the selection of an employee for such temporary arrangement shall be based on the knowledge of work involved and where there are more persons than one with adequate knowledge of the work, the person selected shall be the senior most person at the branch or in the department, as the case may be, provided that he is eligible under the provisions governing selections for permanent posts carrying a functional special allowance. This promotion policy, which came into force on the 9th December, 1968 was after the period to which the claim relates. But even if it is assumed that this promotion policy of the management was also in vogue before December, 1968, it clearly envisages that the selection of an employee for such temporary arrangement shall be based on the knowledge of work involved and if he has that requisite knowledge then the senior most person is to be given that chance. In the instant case, the manager has stated that the concerned workman had no such knowledge and that his performance for a short period during which he was given the chance previously was poor. The workman has not even entered the witness box nor has he produced any evidence. Under these circumstances I do not think that the rule laid down in the said policy statement is applicable to the present case, particularly when it relates to a period subsequent to the one covered by the order of reference. I shall, therefore, hold that the action of the management in not allowing Shri Lakshmi Dutt, peon to work as daftry in the leave vacancy with effect from the 22nd of April, 1968 was justified and the finding on the order of reference is recorded against the workman. He is, therefore, not entitled to any relief and the award is made accordingly.

(Five pages)

Sd./- R. K. Baweja,
Central Govt. Industrial Tribunal: Delhi.

18th April, 1969.

[No. 23/52/58/LRIII.]

ORDERS

New Delhi. the 1st May 1969

S.O. 1896.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Oil and Natural Gas Commission, Ankleshwar and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri I. G. Thakore as Presiding Officer, with headquarters at Ahmedabad and refers the said dispute for adjudication to the Industrial Tribunal.

SCHEDULE

Whether the action of the Project Manager, Oil and Natural Gas Commission, Ankleshwar in terminating the services of Shri C. D. Mehta, Truck Driver is justified? If not, to what relief is he entitled?

[No. 25/14/68-LRI.]

S.O. 1897.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Pipardih Quarry of Messrs Parshva Properties Limited, Dalmlanagar and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, (No. 3), Dhanbad constituted under section 7A of the said Act.

SCHEDULE

1. Whether the action of the management of the Pipardih Quarry of Messrs Parshva Properties Limited, Dalmianagar, in dismissing Shri Kanhaiya Ram, Haulage Driver, with effect from the 14th October, 1968, was justified? If not to what relief is the workman entitled?
2. Whether the action of the management of the Pipardih Quarry of Messrs Parshva Properties Limited, Dalmianagar, in suspending Shri Nathuni Singh, Payment Clerk, without pay from the 20th May, 1968 to the 17th June, 1968, was justified? If not, to what relief is the workmen entitled?

[No. 36(6)/69-LRI.]

S.O. 1898.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers specified in Schedule I, in relation to the Pissurulem Mines of Shri Manohar Hiru Naik Parulekar and their workmen in respect of the matters specified in the Schedule II hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, No. 2, Bombay, constituted under section 7A of the said Act.

SCHEDULE I

(1) Sri Manohar Hiru Naik, Parulekar, Owner, Pissurulem Mines, Mapuca, Goa.

(2) Messrs Janardhan Zarapcar, Raising Contractors, Pissurulem Mines, Mapuca, Goa.

SCHEDULE II

1. "Whether the action of the management of Shri Manohar Hiru Naik Parulekar, Owner Pissurulem Mine and Messrs Janardhan Zarapcar, raising contractors of Pissurulem Mines in not implementing the final recommendations of the Central Wage Board for Iron Ore Mining Industry as accepted by the Government of India, in respect of the workmen employed in their Iron Ore Mines with effect from the 1st January, 1967, is justified? If not, to what relief are the workmen entitled?"

2. Whether the action of the management of Shri Manohar Hiru Naik Parulekar, Owner of Pissurulem Mine in retrenching the following workmen *vide* notice dated the 1st December, 1968 is justified?

1. Chandra Gaunce.
2. Shrikrishna Morajkar.
3. Appana Karne.
4. Nanashib Dodmani.
5. Michael D'souza.

If not, to what relief are the workmen entitled?

3. Whether the action of the management of Messrs Janardhan Zarapcar raising contractor of Pissurulem Mine in terminating the services of the following workmen *vide* notice dated the 1st December, 1968 is justified?

1. Harishchandra Mayekar.
2. Dinu Marathi, Jadhav.
3. Hussien M. Mulla.
4. Mutta Swami.
5. Prabhakar Bhagat.
6. Shanu Amonkar.
7. Vinlak Bhagat.
8. Kalappa Marathe.

If not, to what relief are the workmen entitled?

4. Whether the action of Messrs Janardhan Zarapkar, raising contractor of Pissurulem Mine in terminating the services of the following workmen in their notice dated 2nd January, 1969, is justified?

1. Uttam Narayan Kamath.
2. Jayaram R. Shirodkar.
3. Dhalo Kamath.
4. Yeshwant Herjan.
5. Narayan Shetkher.
6. Anant Nirankal.
7. Anant Goakar.
8. Ramesh Viagonkar.
9. Prakash V. Naik.
10. Prabhakar Virdikar.
11. Laxman Pissurlekar.
12. Sitaram Powar.
13. Babli B. Naik.
14. Antu Powar.

If not, to what relief are the workmen entitled?

5. Whether the action of Messrs Janardhan Zarapcar raising contractor Pissurulem Mine in terminating the services of Shri Manohar Tukaram Tari with effect from the 20th December, 1968 is justified? If not, to what relief is the workman entitled?

[No. 24/9/68-LRI.]

New Delhi, the 8th May 1969

S.O. 1899.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Cambay and Navagam Project of the Oil and Natural Gas Commission, Cambay Wing, Kansari, in the State of Gujarat and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri I. G. Thakore, as Presiding Officer, with headquarters at Ahmedabad and refers the said dispute for adjudication to the said Industrial Tribunal.

SCHEDULE

Whether the action of the management of the Oil and Natural Gas Commission, Cambay Project, Cambay, in terminating the service of Shri Chandra Prakash Kapoor, Ex-Fitter, with effect from the 17th February, 1968, was justified? If not, to what relief is the workman entitled?

[No. 25(8)/68-LRI.]

New Delhi, the 9th May 1969

S.O. 1900.—Whereas an industrial dispute exists between the employers in relation to Kymore and Bamangawan Limestone Mines of the Associated Cement Companies Limited, Kymore (hereinafter referred to as the said Company) and their workmen represented by Kymore Quarry Karamchari Sangh, Post Office Kymore, District Jabalpur (hereinafter referred to as the Union);

And, Whereas the said Company and the Union have, by a written agreement, in pursuance of the provisions of sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration of the person mentioned therein, and a copy of the said arbitration agreement has been forwarded to the Central Government;

Now, therefore, in pursuance of the provisions of sub-section (3) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the said arbitration agreement, which was received by it on the 19th April, 1969.

Agreement

(Under Section 10A of the Industrial Disputes Act, 1947)

BETWEEN**Name of Parties:****Representing Employers.**—Mr. P. H. Adrianwalla, Agent, Kymore and Bamangawan Limestone Mines, P.O. Kymore (M.P.).**Representing Workmen.**—Mr. R. K. Sharma, President Kymore Quarry Karmachari Sangh, P.O. Kymore (M.P.).

It is hereby agreed between the Parties to refer the following Industrial Disputes to the Arbitration of Justice Mr. T. C. Shrivastava, High Court Judge. (Retired).

(I) *Specific matters in dispute.*—Whether the dismissal of Messrs Ramashankar, Fitter, Barma Pradhan, Welder, Emmanuel, Q.H.E. Operator and Mohd. Rauf, Q.H.E. Operator, from the Company's service with effect from 31st January, 1969 is legal and justified? If not, to what relief the concerned workmen are entitled?

(II) *Details of the parties to the dispute including the name and addresses of the Establishment or Undertaking involved.*—

(A) The Associated Cement Cos. Ltd., Kymore and Bamangawan Limestone Quarries, P.O. Kymore, Dist., Jabalpur, M.P.

(B) The workmen of the Kymore and Bamangawan Limestone Quarries, as represented by the Kymore Quarry Karmachari Sangh, P. O. Kymore, Dist., Jabalpur, M.P.

(III) *Name of the Union, if any, representing the workmen in question.*—Kymore Quarry Karmachari Sangh, P.O. Kymore, Dist., Jabalpur.

(IV) *Total Number of workmen employed in the Undertaking affected.*—About 276.

(V) *Estimated Number of workmen affected or likely to be affected by the dispute.*—4

We further agree that the decision of the Arbitrator shall be binding on us.

The Arbitrator shall make his award within a period of six months or within such further time as is extended by mutual agreement between us in writing. In case the award is not made within the period aforementioned, the Reference to Arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh Arbitration.

Dated at Kymore this 14th day of April 1969.

Signature of Parties.

Witness:

(1) *Sd./- Illegible*

Representing Employers.

Sd./- Illegible

Representing Workers.

Sd./- P. H. ADRIANWALLA,
Agent

Kymore and Bamangawan Limestone Mines.

Sd./- R. K. SHARMA,
President

Kymore Quarry Karmachari Sangh.

I consent to act as Arbitrator.

(*Sd.*) T. C. SHRIVASTAVA,

[No. 36(15)/69-LRI.]

S. S. SAHASRANAMAN, Under Secy.

(Department of Labour and Employment)

CERTIFICATE

New Delhi, the 1st May 1969

S.O. 1901.—This is to certify that, in exercise of the powers conferred by section 82 of the Mines Act, 1952 (35 of 1952), the Central Government has decided that the Central Electrical and Mechanical Workshop, Korba, belonging to the National Coal Development Corporation Limited, Ranchi, is a mine within the meaning of the said Act.

[No. 6/5/68-M1]

P. M. NAYAK, Secy.

(Department of Labour and Employment)

[Office of the Chief Labour Commissioner (Central)]

ORDER

New Delhi, the 17th May 1969

S.O. 1902.—Whereas on an application made by M/s Busserya Coal Co. Ltd., Dhanbad the period for the payment of bonus to the employees employed in their Busserya Colliery was extended by 4 months from the due date under Sec. 19(b) of Payment of Bonus Act, 1965 vide this office letter No. BA. 5(24)/68-LSI dated 11th March, 1969 and whereas an application has been made under section 19(b) of the Payment of Bonus Act, 1965 by the said Company for further extension of the period for the payment of bonus to their employees for the said accounting year.

And whereas being satisfied that there are sufficient reasons to extend the time, I have, in exercise of the powers conferred on me by the proviso to clause (b) of section 19 of the said Act read with the notification of the Government of India in the Ministry of Labour & Employment No. WB-20(42)/65 dated 28th August, 1965, passed orders on 9th May, 1969 further extending the period for payment of the said bonus by the said employer upto the 15th May, 1969.

Now this is published for information of the employer and all the employees of the said establishment.

[No. BA. 5(24)/68-LSI.]

O. VENKATACHALAM,
Chief Labour Commissioner (Central).**MINISTRY OF INDUSTRIAL DEVELOPMENT, INTERNAL TRADE & COMPANY AFFAIRS**

(Department of Industrial Development)

ORDER

New Delhi, the 6th May 1969

S.O. 1903/IDRA/6/69.—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951) read with Rules 5(i) and 8 of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints till the 15th April, 1970 Shri K. Narayanan, Joint Secretary, Ministry of Shipping and Transport, in place of Shri Z. S. Jhala, to be a member of the Development Council established by the order of the Government of India in the Ministry of Industrial Development, Internal Trade and Company Affairs No. S.O. 1465, dated the 16th April, 1968 for the scheduled Industries engaged in the manufacture or production of Automobiles, Automobile Ancillary Industries, Transport Vehicle Industries, Tractors and Earth Moving Equipment and Internal Combustion Engines and directs that the following amendment shall be made in the said order, namely:—

In the said order:—

for the name "Shri Z. S. Jhala" in entry No. 24, the name "Shri K. Narayanan" shall be substituted.

[No. 1(80)/67-A.E.Ind.(I).]

S. R. KAPUR, Under Secy.

(Department of Industrial Development)

ORDER

New Delhi, the 9th May 1969

S.O. 1904/IDRA/18G/69.—In exercise of the powers conferred by section 18G and section 25 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), and of all other powers enabling it in this behalf, the Central Government hereby makes the following Order further to amend the Cement Control Order, 1967, namely,

1. (1) This Order may be called the Cement Control (Second Amendment) Order, 1969.

(2) It shall be deemed to have come into force with effect from the 16th April, 1969.

2. In the Schedule to the Cement Control Order, 1967, for the figures "113.25", the figures "120.25" shall be substituted.

[No. F. 1-14/Com.]

G. RAMANATHAN, Under Secy.

(औद्योगिक विकास विभाग)

आदेश

नई दिल्ली, 9 मई, 1969

एस० ओ० 1905:—आई० डी० आर० ए० 18/छ/69 उद्योग (विकास तथा विनियमन) अधिनियम, 1951 (1951म का 65) की धारा 18 छ और धारा 25 के द्वारा प्रदत्त तथा इस सम्बन्ध में उसे समर्थ बनाने वाली अन्य सभी शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा सीमेंट नियंत्रण आदेश, 1967 में और आगे संशोधन करने के लिए निम्नलिखित आदेश जारी करती है, अर्थात्:

1. यह आदेश सीमेंट नियंत्रण (द्वितीय संशोधन) आदेश, 1969 कहलाएगा:
2. इसे 16 अप्रैल, 1969 से लागू हुआ समझा जायेगा ।

3. सीमेंट नियंत्रण आदेश, 1967 की अनुसूची में आंकड़े “113.25” के स्थान पर आंकड़ा “120.25” रखा जायेगा ।

[सं० एक० 1-14/68-सीमेंट]

जी० रामनाथन, अव्वर सचिव ।

(Department of Industrial Development)

(Indian Standards Institution)

New Delhi, the 1st May 1969

S. O. 1906—In pursuance of sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations 1955, the Indian Standards Institution hereby notifies that the Indian Standard (s), particulars of which are given in the Schedule hereto annexed, have been established during the period 1 April to 30 April 1969 :

THE SCHEDULE

Sl. No.	No. and Title of the Indian Standard Established	No. and Title of the Indian Standard or Standards, if any, superseded by the new Indian Standard.	Brief Particulars
(1)	(2)	(3)	(4)
1	IS: 350-1968 Specification for organic, baking, impregnating, insulating varnishes for electrical purposes (<i>first revision</i>)	(i) IS: 350-1952 Specification for insulating oil varnish, clear baking and (ii) IS: 351-1952 Specification for insulating varnish, baking, bitumen type.	This standard prescribes the requirements and methods of sampling and test for organic, baking, impregnating, insulating varnishes for electrical purposes (Price Rs. 8.00).
2	IS: 536-1968 Specification for toluole, industrial (<i>first revision</i>)	IS: 536-1955 Specification for toluole, industrial, solvent grade.	This standard prescribes the requirements and the methods of sampling and test for industrial toluole (Price Rs. 8.00).
3	IS: 805-1968 Code of practice for use of steel in gravity water tanks.	..	This code covers materials, design, fabrication and testing requirements for mild steel gravity water tanks for erection above ground (Price Rs. 6.00).
4	*IS: 1079-1968 Specification for hot rolled carbon steel sheet and strip (<i>second revision</i>)	IS: 1079-1963 Specification for hot rolled carbon steel sheet and strip (<i>revised</i>).	This standard covers the requirements for hot rolled carbon steel sheet and strip intended for cold forming, drawing and other general engineering purposes (Rs. 3.50).
5	IS: 1195-1968 Specification for Bitumen mastic for flooring (<i>first revision</i>).	IS: 1195-1958 Specification for mastic asphalt for flooring.	This standard covers the requirements for bitumen mastic for flooring and provides for a wide range of grades, from light duty to heavy duty industrial floors for factories. (Price Rs. 5.50).

*For purposes of the Indian Standards Institution Certification Marks Scheme, IS: 1079-1968 shall come into force with effect from 15 May 1969.

(1)	(2)	(3)	(4)
6 IS: 1196-1968 Code of practice for laying bitumen mastic flooring (<i>first revision</i>)	IS: 1196-1958 Code of practice for laying mastic asphalt flooring	This standard lays down the procedure for laying bitumen mastic flooring and its maintenance (Price Rs. 3.50)	
7 IS: 1230-1968 Specification for cast iron rainwater pipes and fittings (<i>first revision</i>)	IS: 1230-1957 Specification for cast iron rain-water pipes and fittings.	This standard covers the requirements for (a) rain-water pipes, fittings and accessories, and (b) half-round gutters, fittings and accessories. (Price Rs. 8.00)	
8 IS: 1504-1968 Specification for commercial beeswax (<i>first revision</i>)	IS: 1504-1959 Specification for Commercial beeswax.	This standard prescribes the requirements and the methods of sampling and test for commercial beeswax (Price Rs. 6.50).	
9 IS: 1511-1968 Specification for light duty chaff cutter blades (<i>first revision</i>).	IS: 1511-1959 Specification for chaff cutter blades.	This standard specifies the requirements for the blades for light duty chaff cutters, normally hand operated (Price Rs. 3.50).	
10 IS: 2052-1968 Specification for compounded feeds for cattle (<i>first revision</i>).	IS: 2052-1962 Specification for balanced feed mixtures for cattle	This standard prescribes the requirements and the methods of test for compounded cattle feeds for milch cattle and working bullocks (Price Rs. 8.50).	
11 IS: 2470 (Part I) 1968 Code of Practice for design and construction of septic tanks Part I Small installations (<i>first revision</i>).	IS: 2470 (Part I)-1963 Code of practice for design and construction of septic tanks (Part I Domestic purposes.	This code lays down recommendation for the design, layout, construction and maintenance of septic tanks and includes methods of treatment and disposal of tank effluent of domestic sewage. It is applicable to houses, flats and such other residential buildings where the number of users does not exceed 50 persons. Capacities and sizes required for 5, 10, 15, 20 & 50 persons, persons are recommended to facilitate selection of sizes of septic tanks. (Price Rs. 7.50).	
12 IS: 2505-1968 Specification for concrete vibrators, immersion type (<i>first revision</i>).	IS: 2505-1963 Specification for concrete vibrators, immersion type.	This standard lays down requirements for materials, sizes, construction and performance of concrete vibrators of immersion type. (Price Rs. 4.00).	
13 IS: 2720 (Part XXVII)-1968 Methods of test for soils Part XXVII Determination of total soluble sulphates.	..	This standard lays down the procedure for determining the total soluble sulphate content of soils by (a) precipitation method, and (b) Volumetric method. (Price Rs. 2.50).	
14 IS: 2753 (Part II)-1968 Methods for estimation of preservatives in treated timber and in treating solutions Part II Determinations of copper (in copper naphthenate) and pentachlorophenol.	..	This standard lays down methods for the quantitative estimation of the following in treated timber and in treating solutions : (a) Copper in copper naphthenate solution and in timber treated with copper naphthenate, and	

15 IS : 2974 (Part IV)—1968 code of practice for design and construction of machine foundations Part IV Foundations for rotary type machines of low frequency.

16 IS : 4111 (Part IV)—1968 Code of practice for ancillary structures in sewerage system. Part IV Pumping stations and pumping mains (rising mains).

17 IS : 4466 (Part III) —1968 Recommendations for farm cattle housing for plain areas with medium rainfall Part III Farm cattle sheds for gaushalas and other organised milk producers.

18 IS : 4749—1968 Methods for calculation of bulk quantities of industrial aromatic hydrocarbons.

19 IS : 4774—1968 Specification for thin-walled bearings and thrust half-washers.

20 IS : 4810—1978 Specification for fumigation sheets and covers, rubberized.

21 IS : 4820—1968 Specification for vulcanized fibre sheets for electrical purposes.

(b) Pentachlorophenol in pentachlorophenol solution in oil and in timber treated with pentachlorophenol.

These methods are intended for the chemical analysis of oils containing the required preservative and wood treated with the same preservative. (Price Rs. 2.50). This standard deals with the design and construction of foundations, such as block foundations, frame foundations and other similar supported constructions of reinforced concrete for the installation of rotary machines of speeds 1500 rev/min or less. Some typical foundations of this type are crushing mills, pumps, motor generators and compressors and rolling mills. (Price Rs. 6.00).

This standard lays down requirements for location, design, construction, equipment and safety precautions for installation of pumping stations and pumping mains used in sewerage system. (Price Rs. 6.00).

This standard prescribes the recommended layout and the constructional requirements of cattle sheds and necessary ancillary structures for *gaushalas* and other organized milk producers undertaking dairy husbandry practices in an organized way. (Price Rs. 5.50).

This standard prescribes the method of calculation of bulk quantities of benzene, toluene and xylenes (of purity 95 per cent by weight and above) and assumes that the impurities consist of those normally present in conventional commercial products. (Price Rs. 6.00).

This standard specifies requirements for:

- (a) steel-backed, thin-walled, grooved bearing in the nominal diameter range 16 to 150 mm;
- (b) steel-backed, thin-walled, ungrooved bearing in the nominal diameter, range 16 to 150 mm, and
- (c) thin-walled, thrust half-washers in the nominal diameter range 16 to 150 mm.

(Price Rs. 11.00).

This standard prescribes the requirements and the methods of sampling and test for rubberized fumigation sheets and covers. (Price Rs. 5.00).

This standard covers vulcanized Fibre sheets of 1.5 to 25 mm thickness. (Price Rs. 8.00).

(1)	(2)	(3)	(4)
22	IS : 4829—1968 Specification for nylon slide fasteners.	..	This standard covers the material, dimensional and performance requirements of nylon slide fasteners. (Price Rs. 6.50).
23	IS : 4833—1968 Method for field testing of preservatives in wood species.	..	This standard covers the method for the field testing of wood preservatives in wood species and natural durability of timber. (Price Rs. 2.00).
24	IS : 4845—1968 Definitions and terminology relating to hydraulic cement.	..	This standard lays down the general definitions applicable to hydraulic cements, as well as the particular definitions and the denominations which pertain to each type of cement. (Price Rs. 2.50).
25	IS : 4871—1968 Method for determination of lint and trash content of cotton by means of mechanical-pneumatic machines.	..	This standard prescribes a method for determination of lint and trash content of cotton fibres by means of mechanical-pneumatic machines. The method is applicable to cotton taken from bales laps, slivers or other sources of lint cotton. This method may also be used for analysing the waste removed by different machines for the lint and trash content. (Price Rs. 3.50).
26	IS : 4873—1968 Method for laboratory testing of wood preservatives against fungi.	..	This standard lays down the method for the laboratory testing of wood preservatives by means of soil block and Kolbe-flask methods. (Price Rs. 2.50).
27	IS : 4876—1968 Specification for edible cottonseed flour (solvent extracted).	..	This standard prescribes the requirements and the methods of sampling and test for edible cottonseed flour obtained from cottonseeds by expelling followed by solvent extraction. (Price Rs. 2.50).
28	IS : 4885—1968 specification for sewer bricks.	..	This standard specifies the dimensions, quality and strength and methods of sampling and testing of sewer bricks and used for sewers of sanitary (domestic) sewage. (Price Rs. 2.00).
29	IS : 4889—1968 Methods of determination of efficiency of rotating electrical machines.	..	This standard covers methods of determining efficiencies of dc, ac synchronous and induction machines from tests, and methods of obtaining particular losses when these are required for other purposes. (Price Rs. 7.50).
30	IS : 4895—1968 Grading rules for teak logs,	..	This standard covers requirements of various grade of teak logs for conversion purposes (Price Rs. 3.50).

31	IS: 4910 (Part I)—1968 Methods of test for tyre yarns, cords and tyre cord fabrics made from man-made fibres Part I Linear density.	..	This standard prescribes a method for determination of linear density of man-made fibre tyre yarns and cords taken from cheeses, cones, bobbins, spool, hanks, or tyre-cord Fabrics. (Price Rs. 2.00)
32	IS: 4913-1968 Code of practice for selection, installation and maintenance of timber doors and windows.	..	This code covers the selection, installation and maintenance of timber doors, windows and ventilators and shutters for residential buildings, schools, hospitals and other non-industrial buildings. (Price Rs. 4.00).
33	IS: 4919—1968 Glossary of terms applicable to landscape and horticulture work.	..	This standard covers various terms applicable to landscape and horticultural operations. (Price Rs. 4.00).
34	IS: 4924 (Part II)—1968 Method of test for nail-jointed timber trusses Part II Proof test.	..	This standard covers the method of proof testing for the fabricated nail-jointed timber trusses to ascertain the actual behaviour of truss with regard to joint slip, deflection, etc. under service conditions and prolonged loading. (Price Rs. 2.50).
35	IS 4925-1968 Specification for concrete batching and mixing plant	..	This standard covers the requirements of manual, semi-automatic or fully automatic central mix, batching and mixing plant capable of producing not less than 100 m ³ /h of mixed concrete (Price Rs. 5.00).
36	IS: 4930—1968 Guide for axle assembly for animal drawn vehicles.	..	This standard provides guidelines for the components of the axle assembly and recommends the critical features and main dimensions of the axles for animal drawn vehicles with track widths of 1370 mm (54 in) and 1525 mm (60 in) Price Rs. 2.50).
37	IS: 4941—1968 Specification for honey	..	This standard prescribes the requirements and the methods of sampling and test for honey (Price Rs. 6.00).
38	IS: 4942—1969 Specification for electroplated coatings of nickel and chromium on aluminium and aluminium alloys.	..	This standard covers the requirements for electroplate coatings of nickel and chromium applied to article made of aluminium and aluminium alloys with a view to improving the appearance as well as the corrosion resistance of their significant surfaces (Price Rs. 4.00).
39	IS: 4945 (Part I)—1968 Specification for cotton twines for fish nets Part I Twines for gill nets	..	This standard prescribes constructional details and other particulars of 2 types of cotton twines used in the manufacture of gill nets. (Price Rs. 3.50).

1)	(2)	(3)	(4)
40	IS: 4945 (Part II)—1968 Specification for Cotton twines for fish nets Part II Twines for trawl nets.	..	This standard prescribes constructional details and other particulars of 2 types of cotton twines used in the manufacture of trawl nets. (Price Rs. 3.50).
41	IS: 4947—1968 Specification for carbon dioxide cartridge for fire extinguishers.	..	This standard deals with carbon dioxide gas cartridges made from low carbon steel intended for the storage of liquefiable gases having a nominal water capacity of not more than 1 litre. This standard lays down the requirements for the material to be used in the manufacture, design and construction, performance requirements, marking and testing of gas cartridge. (Price Rs. 3.50).
42	IS: 4948—1968 Specification for welded steel wire fabric for general use.	..	This standard covers welded steel wire fabric for the general use, such as fencing window grill and crates. (Price Rs. 3.50).
43	IS: 4950—1968 Specification for bacon rashers, canned	..	This standard prescribes the requirements and the methods of sampling and test for canned bacon rashers. (Price Rs. 3.50).
44	IS: 4952—1968 Methods for sampling of Cotton-bales; slivers and rovings.	..	This standard specifies the methods for sampling of cotton from bales or from the processed material in the form of sliver or roving. (Price Rs. 2.50).
45	IS: 4954—1968 Recommendations for noise abatement in town planning.	..	This standard lays down basic principles to achieve optimum conditions of noise abatement in town planning schemes. (Price Rs. 5.50).
46	IS: 4955—1968 Specification for synthetic detergents, for household use.	..	This standard prescribes the requirements and methods of sampling and test for synthetic anionic detergents for household use based predominantly on the use of alkyl aryl sulphonates. (Price Rs. 7.00).
47	IS: 4968 (Part II)—1968 Method for subsurface sounding for soils Part II Dynamic method using cone and bentonite slurry.	..	This standard covers the procedure of dynamic driving of a 65 mm (See Note) cone and thereby obtaining a record of resistance of the soil. The cone is directly driven into the ground and for eliminating the friction on the driving rods bentonite slurry is used. The use of bentonite slurry may not be necessary when the investigation required is up to a depth of 6 m only.

48. IS: 4975-1968 Specification for elevators, dental No. 1, 2 and 3

49. IS: 4982-1968—Specification for closing pins for foundry moulding boxes.

50. IS: 5007-1969 Dimensions for Pallet trucks

51. IS: 5008-1969 Data sheet for industrial tractors.

Note—Any other suitable diameter may be used provided the diameter of the driving rods is less than that of the cone by about 20mm (Price Rs. 2.50).

This standard specifies the requirements of dental elevators No. 1, 2 and 3. (Price Rs. 2.00).

This standard covers the requirements for closing pins for foundry moulding boxes (Price Rs. 2.00).

This standard lays down the dimensions for the widths and lengths of the fingers (forks) of pallet trucks which have either single or tandem drive wheels. It also specifies the finger (fork) heights when the fingers (forks) are in lowered and raised positions (Price Rs. 2.00).

This standard defines the industrial tractor, their nominal ratings and the data to be provided in data sheet. (Price Rs. 1.50).

These Indian Standards are available for sale with the Indian Standards Institution, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-1 and also its branch offices at (i) 534, Sardar Vallabhbhai Patel Road, Bombay-7 (ii) 5, Chowringhee Approach Road, Calcutta-13, (iii) 54, General Posters Road, Madras-2, (iv) 117/418 B, Sarvodaya Nagar, Kanpur and (v) 5-9-201/2, Chirag Ali Lane, Hyderabad-1.

[No. CMD/13:2]

S.O. 1967.—In pursuance of regulation 4 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that amendment(s) to the Indian Standard(s) given in the schedule hereto annexed have been issued under the powers conferred by the sub-regulation (1) of Regulation 3 of the said Regulations.

THE SCHEDULE

Sl. No.	No. and title of the Indian Standard amended	No. and date of Gazette Notification in which the establishment of the Indian Standard was notified	No. and date of the amendment	Brief particulars of the Amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)	(5)	(6)
1.	IS: 267-1963 Specification for inert cells (<i>second revision</i>).	S.O. 1760 29-6-1963	No. 3 May 1969	(i) Clauses 5.2.2, 8.2.1 and 8.2.1.1 have been substituted by new ones. (ii) Clause 8.1.2 has been amended.	} 1 May 1969
2.	IS: 412-1962 Specification for expanded metal steel sheets for general purposes (<i>revised</i>).	S.O. 2838 15-9-1962	No. 3 May 1969	Clause 3.1 has been substituted by a new one and table 1 and clause 5.2.2 amended.	
3.	IS: 586-1964 Specification for leclanche type dry batteries for telecommunication, signalling and general purposes (<i>second revision</i>).	S.O. 4039 28-11-1964	No. 2 May 1969	(i) Clauses 0.5, 0.6, 7.1.1 and 9.3.3 have been amended. (ii) Clauses 9.1.2 and 9.2.1 and table I have been substituted by new ones and (iii) New clause 9.7 has been added.	1 May 1969
4.	IS: 613-1964 Specification for copper rods for electrical purposes (<i>revised</i>).	S.O. 735 6-3-1965	No. 31 February 1969	(i) Clause 5.1 has been substituted by a new one and table 1 amended (ii) Clauses 8.1 & 8.2 have been substituted by new ones, tables II & III deleted and the subsequent clauses & tables renumbered accordingly.	28 February 1969
5.	IS: 11011-1968 Specification for biscuits (<i>first revision</i>).	S.O. 3745 26-10-1968	No. 1 January 1969	(Page 5, clause 3.1.2, line 2)—Substitute the following for the existing matter : 'Soya bean flour (full fat or solvent extracted)'.	31 January 1969
6.	IS: 1200-1964 Method of measurement of building works (<i>revised</i>).	S.O. 2673 28-8-1965	No. 4 April 1969	(i) [Page 2, Contents (page 3 of the Reprint)]—Delete serial No. 4. (ii) [Pages 12 to 20, clause 4 (pages 14 to 22 of the Reprint)]—Delete all the provisions given under this clause.	1 April 1969

7.	IS:1398-1968 Specification for packing paper, waterproof, bitumen-laminated (<i>first revision</i>).	S.O. 1594 4-5-1968	No. 1 March 1969	Clause 3.4 has been substitute by a new one.	31 March 1969
8.	IS:1729-1964 Specification for sand cast iron spigot and socket soil, waste and ventilating pipes, fittings and accessories.	S.O. 2246 30-7-1966	No. 2 December 1968	Second sentence in clause 4.3 and clauses 6 & 6.1 have been deleted along with note with dagger mark and subsequent clauses re-numbered accordingly.	28 February 1969
9.	IS:1763-1961 Specification for substances of paper and pulp board.	S.O. 1767 9-6-1962	No. 1 March 1969	Clause 4.1 has been amended and clause 4.2 substituted by a new one.	1 March 1969
10.	IS:1786-1966 Specification for cold twisted steel bars for concrete reinforcement (<i>revised</i>).	S.O. 4023 31-12-1966	Corrigendum	(Applicable only to Amendment No. 1 August 1968). (Page 6, clause 8.1, line 1—Substitute 'proof stress' for 'yield stress'.	3 April 1969
11.	IS:1826-1961 Specification for venetian blinds for windows.	S.O. 2937 16-12-1961	No. 1 May 1969	Cluse 6.3.3 (b) has been substituted by a new one.	1 May 1969
12.	IS:2062-1962 Specification for structural steel (fusion welding quality).	S.O. 3881 29-12-1962	No. 2 July 1969	Clause 9.0 has been amended and clause 15.4 substituted by a new one.	1 January 1969
13.	IS:2333-1963 Specification for plaster of paris	S.O. 1760 29-6-1963	No. 2 January 1969	Table I has been amended.	1 March 1969
14.	IS:2347-1966 Specification for domestic pressure cookers (<i>revised</i>).	S.O. 469 11-2-1967	No. 2 March 1969	(i) Clauses 2.1 & 7.1 have been amended and clause 3.1 substituted by a new one. (ii) New material has been added in clauses 4.2 & 10.2.	31 March 1969
15.	IS:2418-1964 Specification for tubular fluorescent lamps for general lighting service.	S.O. 1152 10-4-1965	No. 2 January 1969	Table 4 has been amended	31 January 1969
16.	IS:2576-1963 Specification for dry batteries for transistor radio receivers.	S.O. 950 21-3-1964	No. 4 April 1969	(i) Clauses 8.1.3 & 8.3.3 have been amended. (ii) Clauses 8.2.1 and 8.3.3.1 have been substituted by new ones. (iii) A new clause 8.6 has been added.	1 April 1969
17.	IS:2670-1964 Specification for thread milling cutter (sheet type).	S.O. 83 2-1-1965	No. 1 May 1969	Clause 0.4 and table I have been amended	} 1 May 1969
18.	IS:3189-1965 Specification for high speed jute bobbins.	S.O. 1081 9-1-1966	No. 1 May 1969	Clause 3.2.1 has been substituted by a new one	
19.	IS:3196-1968 Specification for welded low carbon steel gas cylinder for the storage and transportation of low pressure liquefiable gasses (<i>first revision</i>).	S.O. 593 15-2-1969	No. 1 April 1969	Clauses 9.1 & 10.1.2.3 have been amended	
20.	IS:3318-1965 General requirements for surgical scalpels and knives.	S.O. 1992 2-7-1966	No. 1 April 1969	Clause 2.1 has been substituted by a new one	} 1 April 1969
21.	IS:3331-1965 Specification for copper foil and brass strip for radiator cores.	S.O. 2602 27-8-1966	No. 1 April 1969	Tolerances for dimensions for copper foil and brass Strip have been brought in line with those specified in IS:3052-1964. Nomenclature of table 1 has also been revised.	

(1)	(2)	(3)	(4)	(5)	(6)
22.	IS:3956-1967 Dimensions of spools for magnetic tapes for sound recording and re-production.	S.O. 2417 22-7-1967	No. 1 May 1969	Fig. 2 has been amended	1 May 1969
23.	IS:4057-1967 Specification for carpenters' metal bodied bench planes.	S.O. 2654 5-8-1967	No. 1 February 1969	(Page 7, Table 2 Fig.)—Substitute '2.0 ± 0.2' for '2.24 ± .20'	28 February 1969
24.	IS: 4120-1967 Specification for tubs and baths	S.O. 287 20-1-1968	No. 1 February 1969	Clause 4.1 & Fig. 7 have been amended	} 28 February 1969
25.	IS:4237-1967 General requirements for switchgear and controlgear for voltages not exceeding 1000V.	S.O. 287 20-1-1968	No. 1 February 1969	'Note 4' has been added under table 4.	
26.	IS:4327-1967 Specification for electric fans and regulators for use in ships.	S.O. 2766 10-8-1968	No. 1 March 1969	New matter has been added in clause 18.8 and table 2	1 March 1969
27.	IS:4402-1967 Glossary of terms relating to netting for fishing-basic terms.	..	No. 1 April 1969	Clause 2.5.1 has been substituted by a new one and new matter added in clause 2.6 (b).	1 April 1969
28.	IS:4499-1968 Dimensions for depth of holes for studs.	S.O. 2036 8-6-1968	No. 1 May 1969	Figures in Table 1 has been substituted by a new one	1 May 1969

Copies of these amendments are available with the Indian Standards Institution, 'Manak Bhavan', 9, Bahadur Shah Zafar Marg, New Delhi-1 and also its branch offices at (i) 534 Sardar Vallabhbhai Patel Road, Bombay-7, (ii) 5, Chowringhee Approach, Calcutta-13, (iii) 54, General Patters Road, Madras-2, (iv) 117/418-B, Sarvodaya Nagar, Kanpura and (v) 5-9-201/2, Chirag Ali Lane, Hyderabad.

[No. CMD/13:5]
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